# The State, Ulama and Islam in Malaysia and Indonesia

NORSHAHRIL SAAT

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The State, Ulama and Islam in Malaysia and Indonesia

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*Norshahril Saat*

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*To my beloved wife,*
*Sarina Mohamed Rasol*

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# Abbreviations and Acronyms

| | |
|---|---|
| **ABIM** | Angkatan Belia Islam Malaysia (Islamic Youth Movement of Malaysia) |
| **AGC** | Attorney General's Chambers |
| **AHFS** | Australian Halal Food Services |
| **AIC** | Andalusia Islamic Centre |
| **AKKBB** | Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan (Nationalist Alliance for Religious Freedom and Belief) |
| **Aliran** | Persatuan Aliran Kesedaran Negara (National Awakening Movement) |
| **Amanah** | National Trust Party |
| **AMLA** | Administration of Muslim Law Act |
| **ASB** | Amanah Saham Bumiputera (Bumiputera Trust Fund) |
| **ASM** | Amanah Saham Nasional (National Trust Fund) |
| **ASWJ** | Ahlus Sunnah Wal Jamaah (Sunni Islam) |
| **BAHEIS** | Bahagian Hal Ehwal Islam (Islamic Affairs Division) |
| **BAIS** | Badan Intelijen Strategis (Indonesian Military Intelligence) |
| **Bakorpakem** | Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat (Coordinating Board for Monitoring Mystical Beliefs in Society) |
| **BERSIH** | Gabungan Pilihanraya Bersih dan Adil (Coalition for Free and Fair Elections) |
| **BHNU** | Badan Halal Nahdlatul Ulama (Nahdlatul Ulama Halal Body) |
| **BN** | Barisan Nasional (National Front) |
| **BPH-DSN** | Badan Pelaksana Harian Dewan Syariah Nasional (Executive Board of the National Shariah Board) |
| **BPN2H** | Badan Nasional Produk Halal (National Body of Halal Products) |
| **BSM** | Bible Society of Malaysia |
| **BSN** | Badan Standardisi Nasional (National Standardization Agency) |
| **Darul Arqam** | House of Arqam |
| **DDII** | Dewan Dakwah Islamiah Indonesia (Indonesian Islamic Dakwah Foundation) |
| **Ditjen Haji** | Direktorat Jeneral Penyelenggaraan Haji dan Umrah (Directorate for Haj and Umrah) |
| **Ditjen Islam** | Direktorat Jeneral Islam (Islamic Directorate) |
| **DPR** | Dewan Perwakilan Rakyat (Indonesian Legislative Assembly) |
| **DPS** | Dewan Pengawasan Shariah (Shariah Supervisory Board) |
| **DSN-MUI** | Dewan Syariah Nasional (National Shariah Board) |
| **Forum Demokrasi** | Democratic Forum |
| **FPI** | Front Pembela Islam (Islamic Defenders Front) |
| **FUI** | Forum Umat Islam (Islamic Forum) |

| | |
|---|---|
| **GAM** | Gerakan Aceh Merdeka (Free Aceh Movement) |
| **Gerakan** | Malaysian People's Movement Party |
| **GNPF MUI** | National Movement to Safeguard MUI Fatwa |
| **Golkar** | Golongan Karyawan (Party of Functional Groups) |
| **GUPPI** | Gabungan Usaha Perbaikan Pendidikan Islam (Coalition for the Improvement of Islamic Education) |
| **HINDRAF** | Hindu Rights Action Force |
| **HTI** | Hizbut Tahrir Indonesia (Liberation Party of Indonesia) |
| **ICMI** | Ikatan Cendekiawan Muslim Indonesia (Indonesia Association of Muslim Intellectuals) |
| **IIUM** | International Islamic University of Malaysia |
| **IKIM** | Institut Kefahaman Islam Malaysia (Malaysian Institute for Islamic Understanding) |
| **ILMU** | Ulama Muda UMNO (UMNO Ulama Youth) |
| **INDAH** | Institusi Dakwah dan Latihan Islam (Dakwah Institution and Training) |
| **IRF** | Islamic Renaissance Front |
| **ISA** | Internal Security Act |
| **ISMA** | Ikatan Muslimin Malaysia (Malaysia Muslim Network) |
| **ISTAC** | International Institute of Islamic Thought and Civilization |
| **ITB** | Bandung Institute of Technology |
| **JAIN** | Jabatan Agama Islam Negeri (State Islamic Religious Department) |
| **JAIP** | Jabatan Agama Islam Pahang (Pahang Islamic Religious Department) |
| **JAIPK** | Jabatan Agama Islam Perak (Perak Islamic Religious Department) |
| **JAIS** | Jabatan Agama Islam Selangor (Selangir Islamic Religious Department) |
| **JAKIM** | Jabatan Kemajuan Islam Malaysia (Department of Islamic Development Malaysia) |
| **JATI** | Jalur Tiga: Islam, Melayu dan Raja (Three Streams: Islam, Malays and Royalty) |
| **JAWI** | Jabatan Agama Islam Wilayah Persekutuan (Islamic Religious Department of the Federal Territories) |
| **JIL** | Jaringan Islam Liberal (Liberal Islam Network) |
| **JKF-MKI** | National Fatwa Committee [of the National Council for Islamic Religious Affairs Malaysia] (Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia) |
| **KAN** | Komite Akreditasi Nasional (National Accreditation Committee) |
| **Keadilan** | Parti Keadilan Rakyat (People's Justice Party) |
| **KEMENAG** | Kementerian Agama Indonesia (Indonesian Religious Ministry) |
| **KEN** | Komite Ekonomi Nasional (National Economic Committee) |
| **KLI** | Komando Laskar Islam (Islamic Para-military Command) |
| **Kosmos** | Komunikasi Sosial (Social Communication) special joint committee |

| | |
|---|---|
| **LDII** | Lembaga Dakwah Islam Indonesia (Indonesian Institute of Islamic Preachers) |
| **LDK** | Lembaga Dakwah Kampus (Campus Dakwah Body) |
| **LEPAI** | Lembaga Penyelaras Pelajaran dan Pendidikan Agama Islam (Council for Standardisation of Islamic Teaching and Education) |
| **LIPPI** | Lembaga Penelitian dan Pengkajian (Islamic Research and Study Institute) |
| **LPPOM-MUI** | Lembaga Pengkajian Pangan, Obat-Obatan, dan Kosmetika Majelis Ulama Indonesia (Assessment Institute for Food, Drugs, and Cosmetics of the MUI) |
| **MAAI** | Majlis al Alami Lil Alimat al Muslimat Indonesia (Muslim Women Council of Indonesia) |
| **MAIAMP** | Majlis Agama Islam dan Adat Melayu Perak (Perak Council for Islam and Malay Culture) |
| **MAIJ** | Majlis Agama Islam Negeri Johor (Johor Islamic Religious Council) |
| **MAIK** | Majlis Agama Islam Kedah (Islamic Religious Council of Kedah) |
| **MAIM** | Majlis Agama Islam Melaka (Islamic Religious Council of Malacca) |
| **MAIS** | Majlis Agama Islam Selangor (Islamic Religious Council of Selangor) |
| **MAIWP** | Majlis Agama Islam Wilayah Persekutuan (Islamic Religious Council for Federal Territories) |
| **MCA** | Malaysian Chinese Association |
| **MCCBCHST** | Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism, and Taoism |
| **MIAI** | Majlis Islam Ala Indonesia (Council of Indonesian Islam) |
| **MIFC** | Malaysia Pusat Kewangan Antarabangsa (Malaysia International Islamic Financial Centre) |
| **MIHAS** | Malaysia International Halal Showcase |
| **MISG** | Kumpulan Pengajian Islam Malaysia (Malaysian Islamic Study Group) |
| **MKI** | National Council for Islamic Religious Affairs Malaysia (Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia) |
| **MMI** | Majelis Mujahidin Indonesia (Indonesian Mujahidin Council) |
| **MONAS** | National Monument Indonesia |
| **MP** | Member of Parliament |
| **MPR** | Majelis Permusyuaratan Rakyat (People's Consultative Assembly) |
| **MPS** | Majlis Penasihat Shariah (Shariah Advisory Council) |
| **MUI** | Majelis Ulama Indonesia (Ulama Council of Indonesia) |
| **MUIS** | Majlis Ugama Islam Singapura (Islamic Religious Council of Singapore) |
| **MUNAS** | Musyawarah Nasional (National Assembly) |
| **Musawah** | Global Musawah Movement |
| **NU** | Nahdlatul Ulama (Revival of the Ulama) |

| | |
|---|---|
| **Ormas** | Organisasi kemasyarakatan (civil organisations) |
| **Pancasila** | Five Principles (Indonesia's state ideology) |
| **PAP** | People's Action Party |
| **Parmusi** | Partai Muslimin Indonesia (Indonesian Muslims Party) |
| **PAS** | Parti Islam Se Malaysia (Islamic Party of Malaysia) |
| **PBBM** | Parti Pribumi Bersatu Malaysia (Malaysian United Indigenous Party) |
| **PDI** | Partai Demokrasi Indonesia (Indonesia Democratic Party) |
| **PDI-P** | Partai Demokrasi Indonesia-Perjuangan (Indonesian Democratic Party of Struggle) |
| **Perkasa** | Pertubuhan Pribumi Perkasa Malaysia (Malaysian Glorious Indigenous Association) |
| **PERKIM** | Pertubuhan Kebajikan Islam Malaysia (Muslim Welfare Organization Malaysia) |
| **PERSIS** | Persatuan Islam Indonesia (Islamic Association in Indonesia) |
| **PERTI** | Pergerakan Tarbiyah Islamiyah (Islamic Preaching Movement) |
| **PGI** | Persekutuan Gereja-Gereja Indonesia (Communion of Churches Indonesia) |
| **PHDI** | Parisada Hindu Dharma (Indonesian Hinduism Society) |
| **PK** | Partai Keadilan |
| **PKB** | Partai Kebangkitan Bangsa (National Awakening Party) |
| **PKR** | Parti Keadilan Rakyat (People's Justice Party) |
| **PKS** | Partai Keadilan Sejahtera (Prosperous Justice Party) |
| **PPP** | Parti Persatuan Pembangunan (United Development Party) |
| **PR** | Pakatan Rakyat (Peoples' Alliance) |
| **PSII** | Partai Syarikat Islam Indonesia (Indonesian Sarekat Islam Party) |
| **PUI** | Persatuan Ulama Indonesia (Ulama Organisation Indonesia) |
| **PUM** | Persatuan Ulama Malaysia (Ulama Association Malaysia) |
| **SBY** | Susilo Bambang Yudhoyono |
| **SC** | Suruhanjaya Sekuriti Malaysia (Securities Commission Malaysia) |
| **SHURA** | Secretariat for Asia Assembly of Ulama |
| **SIS** | Sisters in Islam |
| **SKB** | Surat Keputusan Bersama (Joint Ministerial Decree) |
| **SSB** | Syariah Supervisory Board |
| **SSM** | Suruhanjaya Syarikat Malaysia (Companies Commission Malaysia) |
| **SUARAM** | Suara Rakyat Malaysia (The Voice of Malaysians) |
| **TURUN** | Gerakan Turun Kos Sara Hidup (Movement to Reduce Living Costs) |
| **UiTM** | Universiti Teknologi Mara (Mara Technological University) |
| **UKM** | Universiti Kebangsaan Malaysia (National University of Malaysia) |
| **UM** | Universiti Malaya |
| **UMNO** | United Malays National Organization |

| | |
|---|---|
| **UPNM** | University Pertahanan Nasional Malaysia (National Defence University of Malaysia) |
| **USIM** | Universiti Sains Islam Malaysia (Malaysian Islam and Science University) |
| **USM** | Universiti Sains Malaysia (University of Science, Malaysia) |
| **WADAH** | Wadah Pencerdasan Umat Malaysia (Platform for Malaysian Intellectualisation) |
| **WHF** | World Halal Foundation |
| **YADIM** | Yayasan Dakwah Islamiah Malaysia (Islamic Da'wah Foundation Malaysia) |

# A Note on Translation, Spelling, and Other Conventions

This book relies on primary materials that are written in the Malaysian and Indonesian language or are translations of *Quranic* verses and *Hadith* in Malay. Quotes and interviews originally written or spoken in the Malay language are translated into English by the author.

The plural forms of Arabic terms are mostly retained. The only exception is the term *ulama* (religious scholars). The term *ulama* in Arabic is the plural for *Alim*. However, in Malay usage, the term *ulama* refers to both singular and collective. Thus, *ulama* in this book refers to both singular and plural forms. The plural form of other Islamic terms will be indicated with an "s". Hence, the term *Shias* refers to the plural form for *Shia*, and *pesantrens* as the plural for *pesantren*. The plural for *mufti* is *muftis*.

The term *state* is widely used here. *State* in this study mainly refers to government. The Indonesian state refers to its central government. Provincial and district governments are *daerah*. Similarly, the Malaysian state refers to the federal government (Kerajaan Persekutuan). To avoid confusion, local governments or state legislatures (such as Johor, Pulau Pinang and Sarawak) are identified as "state (*negeri*) governments."

Non-English terms shall be *italised* when first introduced. However, subsequent use of the same terms will not be italised. The only exception to this rule is the term *negeri*, which will be italicised throughout the text. The term *negeri* is italicised to emphasise that I am referring to the local state.

Direct quotes will be indicated with double open and close inverted commas ("…") and quotes within a quote with single open and close inverted commas ('…'). Quotes with more than three lines will be indented.

The spelling *shariah* is used to refer to Islamic law instead of *syariah*, *syaria*, or *sharia*. However, these spellings are retained if they are originally used to refer to institutions or organisations such as Dewan Syariah Nasional and Syariah Supervisory Board.

Malay and Indonesian authors are identified by the first names, not their surnames. Hence, Farish A. Noor is cited as "Farish" rather than "Noor," and Chandra Muzaffar is as "Chandra" rather than "Muzaffar." However, Arabic names are treated the same manner as English names, and their family names are identified. For example, Syed Naquib Al-Attas is cited as "Al-Attas" in a way Andree Feillard is cited as "Feillard." Academic and religious titles are not attached to the names. Hence, Professor Nasaruddin

Umar will be identified as Nasaruddin Umar, and Kyai Haji Said Aqil Siroj will be identified as Said Aqil Siroj, and so on.

For Quranic translations, I refer to the text by Abdullah Yusof Ali, *The Meaning of the Holy Quran* (Kuala Lumpur: Islamic Book Trust, 1996). Where the translation is obtained directly from the interpretation from the religious elite themselves, these will be clearly indicated.

All monetary figures will be indicated in their original currencies for consistency. I will then convert figures into US dollars and indicate them in brackets as (US$).

# Preface

Under authoritarian governments, bureaucrats or civil servants are generally perceived as those lacking independent judgement and practising group-think. Their primary role is to legitimise the ideology of ruling elites, deviating from their original mandate to be politically impartial. This book focuses on Islamic institutions in Indonesia and Malaysia that were formed or expanded under authoritarian settings of President Suharto and Prime Minister Mahathir Mohamed, respectively. How do the official ulama – Islamic religious scholars who serve in state-sponsored institutions – in the two countries behave when they function in state bureaucracies? In Indonesia, the main official ulama institution is the MUI (Ulama Council of Indonesia); but for Malaysia, official ulama function in at least one of the following institutions: the JKF-MKI (National Fatwa Committee); JAKIM (Department of Islamic Development Malaysia); and IKIM (Malaysian Institute for Islamic Understanding). This book looks at the state-ulama power dynamic, in particular, two processes. The first is "co-optation," which refers to states' attempts to neutralise ulama's influence. States invite ulama to participate in the religious bureaucracy and support their ideology and policies in return for rewards, status, and recognition. The second is "capture," which refers to ulama capitalising on their position in state institutions to strengthen their authority, to gain access to important political and economic networks, to lobby their personal or groups' agenda, and to push through agendas that are not necessarily those of the state which co-opted them.

There are two central questions in this book. First, as the Indonesian and Malaysia states strive to co-opt official ulama, in what ways have official ulama managed to capture parts of their respective states? Second, has the increase in political competition since the 1997 Asian financial crisis led to stronger or weaker capture by official ulama in both countries? In answering these questions, I engage with existing writings on Indonesian and Malaysian official ulama. These works have made two broad generalisations. First, official ulama are becoming more conservative and Islamist compared to their behaviour in the past. Second, they had been co-opted by the state during the authoritarian rules of Suharto and Mahathir, but MUI has been more assertive and powerful vis-à-vis their respective states in the competitive political environments after 1997.

The book also engages with theoretical debates in the field of comparative politics. It is particularly interested in interest-mediation models: pluralism,

corporatism, and state-in-society. It deploys the concept of *capture* as a way of building on Migdal's state-in-society approach, which is interested in states' and societies' construction of authority vis-à-vis one another. It demonstrates how official ulama can capitalise from their co-opted positions by influencing public policy in their favour; affecting appointments of state personnel; enhancing their authority to make religious, social, and political pronouncements; and accessing material and other resources to achieve personal material goals.

I argue that Suharto's and Mahathir's co-optation strategies shaped contemporary official ulama capture objectives. During the New Order period, MUI's role was limited to issuing fatwas and explaining national policies to the masses, and doing strictly what the government wanted. Since 1997, MUI wanted Indonesian laws to recognise its role in Islamic economics, halal certification, and public morality. In contrast, since the 1980s, the Mahathir government has entrusted Malaysian official ulama with these roles. The ulama had much wider scope for action and influence right from the start. However, since the Abdullah Badawi government (2003-2009) came to power, they have claimed the exclusive right to interpret the state's ideology, appealed for the right to define Islam, and sought to fulfil other material interests. The ulama made more inroads in their capture under the current Najib Razak government (2009-present), which has, in turn, implemented more Islamic policies than its predecessors.

I also contend that the Malaysian official ulama's capture of the state has proceeded much further than that of their Indonesian counterparts. Three modalities explain Malaysian ulama's relative success: they have a clear institutional role, a coherent ideology, and organisational unity. The Malaysian ulama have maximised their capture ability by successfully projecting themselves as the unassailable defenders of Islam, *Ketuanan Melayu* (Malay Supremacy), and the Malay rulers, paralleling the ideology of the ruling party, UMNO. The absence of these factors in MUI – a reflection of its organisational fragmentation – impeded its capture of the state as evidenced in its failed bid to monopolise the sharia economy, halal certification, and authority to define "deviants." However, MUI's persistence in lobbying for an alternative Islamic order, through promoting programmes such as sharia tourism, sharia cinema, and sharia entertainment, demonstrates a capture in progress, rather than a failed capture.

There are numerous people whose intellectual and moral support have inspired me to complete this book. First, I would like to thank my mentors, Associate Professor Greg Fealy, Professor Ed Aspinall, and Dr John Funston, for their constructive comments and guidance towards the completion of

this book. They have been extremely generous with their time, advising me, and reading my draft chapters. My family members, friends, and colleagues have been the source of my strength and inspiration. I would like to express my gratitude to my wife, Sarina Mohamed Rasol; my parents, Haji Saat Dawood and Hajjah Azizah Sahlan; and family members Norshahizal Saat and Siti Radiah Mohammad Shariff, for their continuous encouragement. I also wish to thank MUIS (Islamic Religious Council of Singapore) and the MUIS Academy staff, particularly Haji Mohammad Alami Musa, Haji Abdul Razak Maricar, and Dr Albakri Ahmad for supporting my academic studies.

Special thanks goes also to my mentors from the National University of Singapore (NUS): Associate Professor Noor Aisha Abdul Rahman, Dr Azhar Ibrahim, Dr Suriani Suratman, and Professor Syed Farid Alatas. I wish to also thank my former colleagues at the Australian National University (ANU), namely Dr Kimly Ngoun, Thuy Pham, Allison Ley, Ahmad Muhajir, Dr Syamsul Rijal, Obaidul Haque, Fajran Zain, and Brendan Forde for their moral support. Special thanks to Dr Faizal Musa for taking time to read parts of the drafts to this book. Not to forget are my colleagues at the ISEAS-Yusof Ishak Institute (Singapore), especially the Director, Mr Tan Chin Tiong, for all the intellectual engagements and support.

My field research would not have been possible without sponsorship from the Centre for the Study of Religion and Culture (CSRC), Universitas Islam Negeri Syarif Hidayatullah Jakarta; and the Academy of Malay Studies (APM), University Malaya. Therefore, I would like to acknowledge the help of Pak Irfan Abu Bakar (Director of CSRC) and Dr Zahir Ahmad (former Director of APM). Special mention also goes to the institutions I consulted: Majelis Ulama Indonesia (MUI), Nahdlatul Ulama (NU), Muhammadiyah Pusat, the Religious Ministry of Indonesia, and the various religious departments and councils in Malaysia. Staff from these institutions have been very generous in providing me with research materials and allowing me the use of their libraries. I also wish to thank the staff from the following libraries: National University of Singapore, Universiti Malaya, UIN-Syarif Hidayatullah Jakarta, and ISEAS-Yusof Ishak Institute, for facilitating my research work and gathering of materials.

I also wish to acknowledge Brill for allowing me to include ideas and materials from my earlier publication in the *Asian Journal of Social Science* (vol. 44, 2016), entitled "Theologians Moralising Indonesia? The Case of the Post-New Order Ulama Council of Indonesia (MUI)."

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*Dr Norshahril Saat*
*September 2017*

# 1 Introduction

The term *ulama* is mentioned in the Holy Quran twice and traditionally, the Muslim community regarded them as a group of Islamic scholars. A *hadith* recorded the Prophet Muhammad as saying the ulama were "heirs of the Prophet" (*waratsatul anbiya*). The ulama quote this hadith to identify themselves as authorities in religious matters, gatekeepers of religious learning, and guardians of the faith. As such, the ulama often present themselves as "custodians of an authoritative dogma, reproducers of an authoritative legacy, and interpreters of authoritative law" (Ghozzi, 2002, p. 317). Unlike Christianity, many Muslims do not regard the ulama as an ordained priesthood. In Catholicism, the religious structures are neatly separated from society, where ordained priests are considered mediators between God and human beings. While priests perform sacramental functions and intercession between God and man, this is generally not the case for the ulama. The ulama act as religious scholars who provide guidance on theological matters, and ideally, are autonomous from the state and ruling elites.[1]

Muslims distinguish ulama from other elites by virtue of their education. They identify ulama based on their training in Islamic disciplines or revealed knowledge. Religious science training can be received either earlier or later in their educational life.[2] The ulama's fields of study include law, exegesis, theology, and traditions of the Prophet. By nature of their training, the ulama function as jurists, theologians, grammarians, teachers, *mufassirin* or writers of *Quranic* commentary, and *muaddithin* or interpreters of *hadith* (Hussain, 2006). The ulama must have the ability to read and converse in

1 Although there is no priesthood in Islam, some Muslims do see the faith as having a clergy. Khuri (1987) argues that the concept of the clergy exists amongst some Shia circles (p. 293). Several Sufi groups, similarly, believe in the mystical powers of the saints (*wali*) and Sufi masters. Conversely, some Muslims do not include Sufi *syaikhs* as part of the ulama ranks (Green, 1978, p. 26). For the majority of Muslims, not only are the ulama ordinary human beings, they also remain a very fluid social category, and far from being a unified social class.

2 The notion of "Islamic disciplines" arose in the seventh and eighth centuries AD. The dichotomy between "Islamic" disciplines and "non-Islamic" (secular) disciplines did not exist during the time of the Prophet and his companions, who were largely very practical individuals. Islamic disciplines emerged as a reaction towards the early Abbasid caliphate's translation movement of books on philosophy, mathematics and physical sciences (Saeed, 2004, p. 16). The terms "Islamic" disciplines and "revealed" knowledge are highly contested. Hasan al-Turabi, for instance, would include chemists, engineers, economists, jurists, social scientists, natural scientists, public leaders, philosophers, and those who enlighten society as ulama, too (Al-Turabi, 1983). See also Hatina, 2009a

Arabic in order to interpret the Quran, hadith, and classical Islamic sources. They have the competency to deal with matters pertaining to religious beliefs, rituals, and ethical codes. Moreover, the Muslims regard ulama as the spiritual, moral, and intellectual custodians of Islam. Hence, ulama define problems falling within the sphere of religion and provide solutions based on what they deem divine law. In some Muslim societies, the ulama must not only receive training in a *madrasah* (traditional Islamic school), they must also take up appointments in offices deemed "religious." This has its precedence during the Ottoman caliphate, where those who studied in a *madrasah* and received an *ijazah* (diploma or degree) secured appointments as mosque functionaries, teachers or judges, could be regarded as ulama (Chambers, 1972, p. 33).

Muslims generally better regard ulama who functioned autonomous of states. In other words, the further the distance the ulama have from the state, the better society perceives them. Muslims fear the ulama's view are coloured by politics more than religion. In 2004, the prominent Islamic studies scholar, Abdullah Saeed, noted the general decline in "official" ulama's legitimacy. By official ulama, Saeed refers to religious scholars working in the bureaucracy or state-sponsored institutions. Saeed, who teaches in Australia, wrote, "The situation of the official ulama today [...] is perhaps worse than any time in Islamic history [...] it is a myth that the ulama today bestow substantial religious legitimacy on the modern nation state" (Saeed, 2004, p. 27).[3] According to him, the increase in states' control over Islamic institutions such as endowments, schools, and mosques has contributed to official ulama's decline in influence (Saeed, 2004, pp. 14, 22-24). Saeed's opinion is consistent with how some Islamic studies scholars perceive the ulama. They characterise official ulama as having been co-opted by the state. They also deem official ulama to be "rubber stamps" and "lackeys" of the ruling elites, surrendering independent theological judgement in exchange for material rewards and status.[4] These compromises contradict the ideal ascribed to ulama by the Prophet Muhammad, that they are religious scholars, guardians of the faith, heirs of the prophet, and voices of the *ummat* (religious community).

In the Middle East, it is doubtful whether official ulama can issue religious rulings independently of the state. For example, prominent Qatar-based

3 Turner (2008) also makes this argument, though he discusses the decline of both the official and non-official ulama's authority. Turner cites the rise of diaspora communities and the advent of new media as the reasons for ulama's decline.

4 See Bligh (1985), Kechichian (1986), Khuri (1987), and Ghozzi (2002).

jurist Yusof Al-Qardawi (b. 1926) questioned the ability of Al-Azhar ulama, including Sayyid Tantawi (1928-2010), to rule independently of the state (Skovgaard-Petersen, 1997, p. 186; 2009, p. 44).[5] Tantawi spent almost three decades as an official ulama: the Grand Mufti of Egypt (1986-1996) and the Rector of the Al-Azhar University (1996-2010). Al-Qardawi accused Tantawi as having been co-opted by then-President Hosni Mubarak to serve in state-sponsored institutions. Al-Qardawi preferred Muslim scholars to elect democratically the Rector of Al-Azhar University to serve the ummat (Bayoumi, 2010).[6] Al-Qardawi was not alone in criticising Tantawi's co-optation. Ebrahim Moosa, professor of Islamic studies, remarked that "Tantawi was not only pro-Western, he was often pro-authority and did his best to satisfy such authority, even if it meant that he had to cut corners with the body of ethical and moral rulings in Islamic teachings" (Graham, 2010).

The relationship between the ulama and the state is not only the subject of debate in the Middle East, but also in other parts of the Islamic world, including Southeast Asia. Two states that have majority Muslims, and the subjects of investigation of this book, are Indonesia and Malaysia. Does the perception of ulama as co-opted by the state apply to contemporary official ulama in Indonesia and Malaysia? This question is relevant especially since they were "strong" states for long periods in their recent history. Indonesia was under the military dictatorship of Suharto between 1966 and 1998; while Malaysia was under the semi-authoritarian Prime Minister Mahathir Mohamed between 1981 and 2003. Prominent religious elites in Malaysia and Indonesia have expressed their doubts about official ulama's autonomy. The late Nik Aziz Nik Mat (1931-2015), a Malaysian ulama and politician from PAS (Parti Islam se-Malaysia or Islamic Party of Malaysia), signalled his reservations about official ulama.[7] He felt that ulama should be dictating political affairs and not taking orders from ruling elites (*umara*), namely UMNO (United Malays National Organisation) politicians. Similarly, Said

5 The Egyptian state appoints the Grand Mufti of Egypt and the Rector of Al-Azhar University.

6 Similarly, the life stories of classical jurists challenging their despotic rulers evoke the standards of the ideal religious scholar. For instance, the Sunnis often hail classical jurist Ibn Hanbali (d. 855) as "protector of the faith." Ibn Hanbali chose imprisonment rather than altering his theological position as instructed by the authoritarian Abbasid Caliph Ma'mun (d. 833).

7 Interview with Nik Abdul Aziz Nik Mat, former Kelantan Chief Minister and Spiritual Guide (*mursyidul am*) of PAS, 7 April 2013. Nik Aziz shared his views on not wanting to be a mufti. He said, "I am continuing the task of the Prophet Muhammad, and not serving in institutions that form part of the colonial legacy." Nik Aziz was still the Chief Minister of Kelantan at interview. He stepped down after the general elections in May 2013, and passed away in February 2015.

Aqil Siroj, the General Chairman of Indonesia's largest Muslim organisation, NU (Nahdlatul Ulama or Revival of the Ulama), questioned official ulama's legitimacy. Referring to the MUI (Majelis Ulama Indonesia or Ulama Council of Indonesia), Said Aqil remarked:

> In the past, Suharto expected MUI to protect his authority. MUI represented many members from different organisations to defend Suharto. Now [after the downfall of Suharto], MUI functions differently. However, MUI is still part of the government, and obtains their budget from them. The genuine ulama, as defined in the Quran, are not from MUI, but from the *ormas* [*organisasi kemasyarakatan* or civil organisations] such as NU and Muhammadiyah.[8]

Said Aqil added, "Don't expect an institution under the government to expand. The state controls MUI. The ulama in NU are independent. The state does not control our thoughts. We are free to speak on matters based on our principles."[9]

This book compares the religious and political behaviour of the official ulama in contemporary Indonesia and Malaysia. The common perception of official ulama is that they surrender their authority to the states' ruling elites in exchange for status, prestige and salaries. However, recent scholarship on Islamic religious authority, such as Hatina (2009a) and Al-Atawneh (2009), have questioned the notion of official ulama as passive. These works suggest that official ulama are not as passive as perceived. Debates in comparative politics, which propose that the relationships between states and societal actors are complex, strengthen the need to rethink official ulama's behaviour. States may not be as dominant in society as co-optation theorists suggest. On the contrary, official ulama can transform into a dynamic social group utilising instruments entrusted to them by the state to: strengthen their own authority; fulfil their personal and material interests; and lobby for their personal or group's agenda that may counter the states' core values. Official ulama adopt strategies that amount to what I define as "capture."

8 NU and Muhammadiyah are two of the largest ormas (civil organisations) in Indonesia. All ormas have to register under the ormas regulation (RUU Ormas) Law No. 8/1985. Interview with Kiai Haji Said Aqil Siroj, Chairman of Nahdlatul Ulama (NU), 2 March 2013.

9 Interview with Kiai Haji Said Aqil Siroj, Chairman of Nahdlatul Ulama (NU), 2 March 2013. During the interview, he was very critical of MUI, despite being a member the MUI advisory board.

This book pursues two central questions. First, as the Indonesian and Malaysian states strive to co-opt official ulama; in what ways have the official ulama managed to capture parts of their respective states? Second, has the increase in political competition since the 1997 Asian financial crisis led to stronger or weaker state capture? In answering these questions, I engage with existing studies on official ulama in Indonesia and Malaysia as well as theoretical debates in the field of comparative politics, with a focus on a number of official ulama institutions at the national level. The state authorises these institutions to make religious pronouncements in the form of *fatwas* (Islamic legal opinions). For Indonesia, I focus on the MUI, which popular preachers, mosque leaders and religious teachers deem as Indonesia's Islamic legal authority. For Malaysia, I examine the JKF-MKI (National Fatwa Committee [of the National Council for Islamic Religious Affairs Malaysia] or Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia),[10] JAKIM (Jabatan Kemajuan Islam Malaysia or Department of Islamic Development Malaysia), and IKIM (Institut Kefahaman Islam Malaysia or Malaysian Institute for Islamic Understanding). Throughout this book, the term *state* refers to the central government of Indonesia and the federal government of Malaysia. In the case of Indonesia, I refer to local governments as the *provinsi* (provincial) or the sub-provincial level *kabupaten/kota* (districts), while for the case of Malaysia, the local governments are referred to as the *kerajaan negeri* (state government).[11]

At the outset, I must emphasise MUI and JKF-MKI are not direct comparisons. The two institutions differ in terms of origins, functions, structure and their relations with regional branches, an issue I will deliberate in greater detail in Chapter 2. The level of funding the two institutions receive from their respective states also varies considerably, with JKF-MKI receiving from the Malaysian government multiple times more than MUI obtains from the Indonesian government. However, these differences do not invalidate comparing Indonesian and Malaysian official ulama and their institutions. First, the aspects selected for comparison are broadly similar; they include departments related to fatwa production, Islamic economics, halal certification, and public morality. Malaysia's JAKIM and

10 JKF-MKI is a department within a federal institution, MKI (Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia or Council for Islamic Religious Affairs Malaysia). While MKI oversees Islamic administration of the whole country, it is not an ulama institution. The Malaysian prime minister chairs the council. In contrast, the ulama makes up the membership of the JKF-MKI.

11 Malaysia adopts the federal government structure. In Malaysia, the state government is commonly referred as *kerajaan negeri*.

IKIM are also analysed together with JKF-MKI, because the combined roles of these Malaysian institutions are comparable to those of MUI's in the aforementioned aspects. Second, the purpose of comparison is to understand the capture process in each of the two countries. The book demonstrates how ulama have used platforms provided to them by the state to influence the state. The very differences found in these institutions – in the form of funding, function, structure, membership – explain different types of capture, and how the ulama capitalises on the situation by being close to state officials and politicians.

Central to the book's argument is that, compared to their Indonesian counterparts, the Malaysian ulama can capitalise on co-optation and capture the state more effectively because their institutional roles are clearly defined. It will delineate the factors that make these contrasting state-official ulama relations in both countries later in this chapter.

## Measuring co-optation and capture

I apply the concepts co-optation and capture to describe the dynamic between states and official ulama. Both concepts measure the ability of each group to influence, resist, and/or capitalise on one another. Co-optation refers to a state's strategy to neutralise oppositional voices, and to entrench its legitimacy in the eyes of its citizens (Bertocchi and Spagat, 2001; Gandhi and Przeworski, 2006; Selznick, 1948).[12] Selznick defines co-optation as a mechanism of adjustment, a process "of absorbing new elements into the leadership of policy-making or policy determining structure of organisation as a means of averting threats to its stability or existence" (cited in Krygier, 2012, p. 50; Selznick, 1948, p. 34).[13] This is not to deny that these new elements can also shape and influence policies, sometimes in ways that states do not anticipate, in a peaceful manner that does not counter the states' ideology. In co-optation, states cajole or discipline these new elements to abide by basic rules, and they expect these new elements to influence policies from "within" rather than external agitation such as mass demonstration, protest, or rebellion. In return, the state provides these new elements with rewards

12 Another study that has applied co-optation theory includes Bertocchi and Spagat (2001), which examines how unstable governments in post-communist states give large benefits to a large number of beneficiaries, whereas stable governments give large benefits to a small number.

13 Note the different usage of the terms *co-optation* and *co-option*. *Co-option* refers to the behaviour of the persons or groups who aligns himself/herself to the ruling elites. In contrast, *co-optation* refers to the process undertaken by the state.

and concessions that include, but are not limited to, salaries, contracts, and prestige.

I introduce the concept of capture to describe the possible ways societal actors capitalise on state co-optation. In political economy, the concept explains the ways firms shape business rules, fiscal and monetary policies, and regulations in their favour. Firms also seek to control legislative votes, to command key instruments of the state, to obtain favourable executive decrees and court decisions, and to establish important business connections. In capture, individuals, groups, and firms in both public and private sectors aim to shift laws, regulations, decrees, and other governmental policies to their own advantage (Yakovlev, 2006, p. 1036).

The concept of capture is applied to analyse official ulama's strategies to influence policies, laws, and distribution of resources. These strategies include directly lobbying politicians and civil servants, or indirectly influencing public opinion through fatwas and other religious advisories. The following ideal measurements are used to illustrate what constitutes official ulama's successful capture and state co-optation: first, the extent to which they influence state policies as opposed to legitimising them; second, the extent to which they influence the appointments of state personnel as opposed to the state determining them; third, the extent to which state religious bureaucracies and institutions enhance ulama's authority as opposed to undermining it; fourth, the extent to which they monopolise discourse or counter the interests of the state as opposed to opinions determined by the state; and fifth, the extent to which ulama are able to access resources that help them achieve goals apart from state-provided benefits and concessions. In reality, the co-optation and capture dynamic is not a zero-sum game. A successful capture does not always amount to a failed co-optation. Furthermore, the object of co-optation and capture may also be different for separate cases. Thus, one should measure the extent of co-optation or capture in relative terms: what actors aim to achieve and what they actually achieve.

The book refers to co-optation and capture as practices of states and societal actors, and this makes Migdal's work on the "state-in-society" approach relevant. Migdal emphasises that states and societies construct their authority vis-à-vis one another, and it is thus important to examine their practices to dominate the other instead of the images they portray. Through studying states' practices, one can observe their struggles in exercising dominance over their respective societies. These struggles also apply to states political scientists characterise as "strong." In Migdal's view, the state is not a "centralised, unified organisation establishing pre-eminence over

the population in a given territorial space" but rather every state's attempt to assert its power on society is bounded by limitations and resistance (Migdal, 2001a, p. 4). Migdal emphasises the factors that facilitate or hinder actors' influence. To build from Migdal's approach, I apply concepts of co-optation and capture to distinguish the practices of the states and official ulama, respectively.

## Why "capture" as a theoretical framework?

Political scientists have devised several frameworks in studying state-society relations and this book applies the concept of capture after considering two other common approaches: pluralism and corporatism. Pluralism, as a school of thought, is based on the Western and European experience of democratisation and industrialisation. The underlying philosophy of pluralism is the rejection of the tyranny of the majority and it shares many of the principles of neo-classical economics: many vendors restrain other sellers from raising prices to consumers (Schwartz, 1998, p. 5). Schwartz argues that in the pluralist model, equally powerful and multiple sets of leaders exist, each of them commanding different political resources. Some may have control over voters and organisations, others control money and economic resources, and still others control mass media and public image (pp. 3-5). The pluralist model ensures conflicting interest groups are free to enter the public sphere, and since society is far too fractionalised, not one of these groups can dominate the public sphere.

Nevertheless, political scientists cannot agree on whether the pluralist model exists in reality, or only as an ideal. Does competition between interest groups, dispersed inequalities, and countervailing power – qualities of pluralism endorsed by proponents of the model – exist in reality? In truth, some interest groups are inevitably more powerful than others and the larger, powerful groups often succeed in carving out niches for themselves within public decision-making bodies. Powerful actors in society can mobilise their political and social values within institutions, and restrict public debate to issues they deem important. Taking the case of Islamic representation in Indonesia as an example, no other interest group matches the membership size, support, and resources of the mass-based organisations NU and Muhammadiyah. In Malaysia, political parties UMNO and PAS have been the most dominant actors in shaping the Islamic discourse since the 1950s. Thus, pluralism's assumption that barriers of entry are fluid is largely unrealistic when applied to the Indonesian and Malaysian context.

The pluralist model, therefore, is best seen as an "ideal" type when discussing interest-group politics in the current Indonesian and Malaysian context.[14]

Furthermore, interest groups have to work within the values and principles underlined by the well-organised, resource-rich groups. As Schwartz (1998) rightly points out, "the organised and active interests of small groups tend to triumph over the unorganised and unprotected interests of larger groups" (p. 8). In Indonesia and Malaysia, organised groups, such as Golkar (Golongan Karyawan or Party of Functional Groups), NU, Muhammadiyah, UMNO, and PAS are better placed than other groups to dominate the Islamic agenda. Organised groups with long histories tend to be more successful pushing their agendas than less organised ones. Thus, I perceive pluralism as too idealistic in its assumptions to be applied in Indonesia and Malaysia.

Corporatism, in many ways, presents a challenge to pluralism. Significant to this book, the model's assumptions bear the traits of strong states and co-optation. In 1974, Schmitter wrote a very influential essay – "Still the Century of Corporatism?" – refuting the proponents of the pluralist model. Schmitter defended the relevance of corporatism in modern-day polities by pointing out the model's different forms. According to Schmitter,

> Corporatism as a system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports. (Schmitter, 1974, p. 94)

The corporatist model is often associated with the presence of the strong state. Williamson's (1989) and Wiarda's (2009) elaboration of the concept confirms this. According to Williamson, "Corporatism involves the licensing, recognition, compulsory membership of designated categories. By and large, the state ensures controlled emergence, numerical limitation of interest organised groups" (p. 9). Similarly, Wiarda defines corporatism as

14 Even countries where pluralism is believed to have originated from, such as the US, cannot claim to have fully met all the assumptions of the model. In reality, there is never an equality of conflict as pointed out by the model. According to E.E. Schattschneider, all forms of political organisation are biased in promoting a particular kind of conflict and suppressing some other forms of conflict (cited in Schwartz, 1998, p. 6). Sharing this view, Williamson (1989) argues that dominant groups restrict the decision-making process to relatively innocuous issues and manage to exclude more fundamental issues those which defines the nature of the system itself (p. 57).

"a system of social and political organisation in which major societal and interest groups are integrated into the governmental system, often on a monopolistic basis or under state guidance, tutelage and control, to achieve coordinated national development" (p. 93).[15] Although Wiarda applies the model to Latin America and Northern Europe, he does not see corporatism as unique to these countries. The model's close association with the strong state makes it attractive for political scientists to match it with Indonesia and Malaysia during the non-competitive political environments under Suharto and Mahathir (Hadiz, 1994; Hsiao, 2001; King, 1977; MacIntyre, 1994; Milne, 1983; Porter, 2002). They applied the corporatist model in relation to the labour, agricultural, military, businesses and trade union sectors. The popularity of this framework is understandable given the dominance of the strong state or the developmental state theses in explaining the success of the Southeast Asian Tiger economies during the 1980s to the early 1990s.

In corporatism, the state accords "peak" organisations or associations, which act as its agents, representational monopoly over constituent members.[16] The state indirectly disciplines and controls the behaviour of the members, making them conform to the goals of the state. Only a "selected" few have the right to represent their interests to the state. Representation is, however, restricted to state-determined rules, values, and *modus operandi* because of the institutional, financial, and authoritative dependence upon the state.

Porter (2002) classifies the New Order state's management of Islamic interests as corporatist and MUI as the "peak" organisation representing Muslim interests.[17] He claims that MUI members can convey Muslims' interests to President Suharto through the Minister of Religious Affairs, and liaise directly with the military in a special joint committee, Social Communication (Kosmos), on religious issues related to national security (p. 78). This corporatist arrangement gives the impression that the state co-opted MUI members. According to Porter,

> Its tendency to issue fatwa and pronouncements in support of government policy measures left MUI exposed to accusations by independent ulama and Muslim intellectuals that it furnished religious opinions and viewpoints primarily in order to satisfy the regime's wishes. (2002, p. 78)

15 According to Wiarda (2009), the role of the state in this system, and its relation to the main corporate or societal interest groups, make up a political society.

16 Chalmers (1985) argues that corporatism starts with the state and defines group interests in terms of their relations with the state.

17 Nonetheless, Porter (2002) also suggests that there are varieties of corporatism (pp. 10-12).

I concur with Porter's opinion that MUI members issue fatwas to support the government. They issued these fatwas because the Suharto government stipulated their role was to support and translate the government's policies. There were, however, instances in which MUI's fatwas went against the New Order's wishes.

Nevertheless, recent studies on interest-group politics in China, Japan, and South Korea contest the assumption of associating corporatism with the strong state and co-optation. These challenges came from scholars who utilised the civil society paradigms and state-in-society models (to be discussed later). Extensive fieldwork, as well as analysing policy papers and official reports, enabled these scholars to understand the implicit and indirect challenges to state power, amidst perceived co-optation (Bian, 1997; Koo, 1993).[18] Even the proponents of corporatism point at the possibility of society playing a leading role vis-à-vis the state within corporatism as analysis moves away from the national to the sub-national (O'Donnell, 1977; Williamson, 2010). While corporatism at the national level focuses on the involvement of elite and key state actors and members of state institutions, studying the meso-level corporatism or micro-level corporatism gives a more nuanced picture of the nature of relations, particularly with the non-state sectors (Williamson, 1989, p. 146).[19]

Corporatism has become less fashionable in modelling interest mediation between state and society. Even the model's proponent, Wiarda (2009),

18 Criticisms of corporatism not only come from the proponents of the pluralist model, but also from the followers of the model as well. Challenges to corporatism have led to many of its proponents pointing out the model's different variants. Some remain sceptical about situating corporatism as a theory and believe that corporatism is mainly an aspect of the continuum of pluralism not to be treated as a theory on its own. Williamson (1989) argues that theorists of corporatism largely focus on theoretical and conceptual issues rather than the empirical findings (p. 66). Hence, he urged one to distinguish "descriptive" corporatism and "theoretical" corporatism – the former emphasises empirical data while the latter works on the level abstraction. Williamson's criticism is compelling when it amounts to the model being applied to Muslim interests.

19 Schmitter (1974) pointed out the need to move away from analysing corporatism as a state-led process. He distinguished societal corporatism from state corporatism. Societal corporatism refers to liberal and democratic arrangements whereas state corporatism refers to the more authoritarian context. Agreeing with Schmitter, Schwartz (1998) argues that "[t]he authoritarian state will attempt to enforce social peace by deliberately destroying incipient pluralism, repressing the autonomous articulation of subordinate class demands through the imposition of interest organisations from above" (p. 12). Corporatised interest groups can "lighten the load of parties, parliaments, and public servants and contribute to governability by aggregating demands as well as articulating them, formulating and implementing policies as well as lobbying them" (p. 12).

conceded that in the 1980s and 1990s corporatism went into decline (p. 100) because of the third wave of democratisation that began in Eastern Europe and Latin America, lowering of tariffs barriers and greater mobilisation as a result of the formation of the European Union, the end of the Cold War in 1989, the acceptance of the Washington Consensus, and globalisation (p. 100).

The model's decline has given way to the state-in-society approach proposed by Migdal. My classification of state-in-society as an "approach" is deliberate because it never attempts to function as a model, but depicts state-society relations as being more complex than pluralism and corporatism assumes. Migdal counters the stark-contrast portrayal of states as autonomous and effective on the one hand, and ineffective on the other. Migdal argues that the practices of the state must be distinguished from the idea of the state itself (2002, p. 70), where the state and society are not seen as dichotomous social entities.

Migdal contests the notion that states are the prime movers of macro-level societal change as corporatism scholars often portray them. He argues that domestic environments constrain the actions of states, often. "The autonomy of states, the slant of their policies, the preoccupying issues for their leaders, and their coherence," Migdal contends, "are greatly influenced by the societies in which they operate" (2002, p. 76). In return, states present opportunities and constraints that mould social organisations and structure society. Thus, the state-in-society approach does not mean the role of the state should be ignored, as the state has made a large imprint on the vision of society. Instead, the state remains a core analytical category, although scholars should not treat its authority as omnipotent (White, 2013, pp. 7-8). Based on Migdal's work, states are not as strong as what many assume they are. In line with Migdal's approach, Van Klinken and Barker's (2009) edited volume shows that the Indonesian state is not composed of static rulers in closed institutions, single, homogeneous and coherent entities. There are divisions and inherent contradictions within the state.

In sum, both the corporatist and state-in-society theories provide a sound theoretical basis for this book. For the case of Indonesia and Malaysia, the state-Islam dynamic is characterised by corporatism, at least during the Suharto and Mahathir years. Both the Indonesian and Malaysian states attempted to contain and channel religious dialogue into formalised structures. Mahathir, for instance, increased centralisation by giving more powers to federal-based Islamic institutions to control Islam, such as JAKIM (Maznah, 2010). A similar thinking ran through Suharto's formation of MUI in which the institution was promoted as the highest legitimate body to represent Muslim interests, above the larger mass-based organisations

NU and Muhammadiyah.[20] Nevertheless, the theoretical premises found in the state-in-society approach, which points out the relations between the state and society are not conspicuously dichotomous, and that the state and society may influence one another in many different ways, provokes one to re-think the general assumptions made in corporatism, especially its close association with the strong state and co-optation.

This book builds on the state-in-society approach (Migdal, 1988; Suzaina, 1999). According to Migdal, existing studies on state-society relations emphasise the image of the state. This is manifested in the corporatist and bureaucratic-authoritarian approach, where the state is portrayed as either "autonomous and effective, or hapless, and bumbling, unstable," and "ineffective in carrying out their grand designs" (Migdal, 2002, p. 68). Migdal distinguishes the "practices of the state" from the "idea of the state itself." Rather than seeing state and society as dichotomous social structures, Migdal's state-in-society approach depicts society as a combination of social organisations. According to Migdal, "Various formations, including the idea of the state as well as many others (may or may not include parts of the state) singly or in tandem offer individuals strategies of personal survival and, for some, strategies of upward mobility" (Migdal, 2001b, p. 49). More importantly, individuals' selection of a range of strategies depends on a variety of factors. They may either be coerced into making such decisions or be offered material or monetary incentives (Migdal, 2002, p. 70).

Migdal questions the notion that states are the prime movers of macro-level societal change, although he does not discount the state as continuing to be the most important social actor. He argues that the actions of states, often, are constrained by their domestic environment. Societies continue to shape the powers states have, the nature of their policies, and the issues of concern to the leaders. Migdal's approach in studying the "practices" of the state, rather than treating the state as a coherent, controlling organisation, has debunked the notion of strong state and passive society (White, 2013, p. 5). In other words, there can also be a situation where the society is relatively stronger than the state. As Migdal points out, state-society relations should not be seen as a zero-sum equation, with clear winners and losers (Migdal, 2001b, p. 20). Thus, applying the concept of capture is in line with Migdal's assertion that the state does not have a monopoly over rule-making. However, "co-optation" and "capture" are not a zero-sum game. The official ulama may

20 The desire to mediate the difference between the two rival organisations is seen in the unspoken arrangement where the chairmanship of MUI is rotated between the members of NU and Muhammadiyah.

be fulfilling their own interests and capturing the state while being co-opted. In addition, applying the concept of capture does not render corporatism and the state-in-society approaches irrelevant. The use of capture is only meant to investigate the deeper processes societal actors use to influence the state.

This book's findings support Migdal's assertion that the state is not as strong as scholars often assume. However, existing studies using Migdal's framework stop short of pointing out the limitations of the state without extending the analysis to the limitations of societal actors. In addition, scholars who apply Migdal's approach often conduct research in the peripheries of the state in order to demonstrate states' limitations. This book of ulama located within the state, and their behaviour vis-à-vis the state as autonomous actors, fills this theoretical gap, and extends Migdal's approach to accommodate the influence of societal forces on the state.

Despite the shortcomings on how Migdal's state-in-society approach has been applied in existing studies, his work informed my fieldwork strategy and data gathering. Mainly located in Jakarta and Kuala Lumpur between November 2012 and March 2016, my fieldwork largely consisted of interviewing official ulama from both countries. While this book focuses on the official ulama, the interviews also included academics, civil-society activists, politicians, non-official ulama, bureaucrats and cabinet ministers who closely interacted with ulama. The personalities selected have significant influence in the community by occupying important offices in the state, and, most importantly, are able to be informed due to close acquaintance with the events and meetings attended by the official ulama. Apart from these interviews, I had numerous conversations with the public, activists, and students in institutes of higher learning, and conducted participant observation in mosques. I also attended fatwa meetings, public forums (where the official ulama spoke), and conferences. My research also relies extensively on secondary data. Official comments and press releases published in the media were examined. Apart from examining academic works, theses, and newspaper reports, I also relied on online videos.

However, it has to be pointed out that most my findings in this book covers the period of 2012 to 2015. As far as possible, the book will incorporate ongoing developments in both countries in 2016 and 2017. The year 2015 was eventful for Indonesian Islamic organisations: MUI, NU, and Muhammadiyah held their congresses which elect new slate of leaders. For example, MUI elected a conservative Ma'ruf Amin as its Chairman, and NU elected him as the Rois Am. I also follow important developments in Indonesia between October and December 2016, in what is known as the Ahok controversy. The incumbent governor of Jakarta, Basuki Tjahaja Purnama (known as Ahok),

was accused of insulting Islam in one of his campaign speeches. He was running for re-election as governor in February 2017. His comments sparked a huge protest on 4 November and 2 December 2016, with some claimed up to 150,000, asking for him to step down and be charged under the country's blasphemy law. Religious organisations, including MUI, were dragged into this saga, and had meetings with President Joko Widodo. In the February polls, although Ahok obtained the highest number of votes ahead of two challengers, he did not secure a 50 per cent threshold. Hence, Ahok had to contest a second round in April 2017, which he lost to Anies Baswedan.

Similarly, as I am finalising this book, Malaysia is gearing up for the general election, due August 2018. The country also witnessed several developments which could impact the original data gathered during my fieldwork. Most importantly is the breaking up of the opposition coalition Pakatan Rakyat, which saw PAS separating itself from DAP (Democratic Action Party). In another twist, the progressive faction in PAS broke away from to form another opposition party, Amanah (National Trust Party). Also, the former prime minister, Dr Mahathir Mohamed, broke ranks with UMNO and formed another opposition party, PBBM (Parti Pribumi Bersatu Malaysia or Malaysian United Indigenous Party). These developments are unlikely to change the actors view on official ulama and state capture, but they will have impact on political party movements and membership reconfigurations. Readers should anticipate an interviewee affiliated with a political party will jump ship to another party or organisation different from when the interview was originally conducted.

## Measuring successful capture and co-optation

The concept of capture is in line with Migdal's approach of focusing on practices rather than on images of states and societies. It covers the ways in which societal actors (in this case official ulama) construct their authority in relation to the state. I define *capture* as the processes in which groups or individuals regulate or control key decision-making units in the state, which later can be used as avenues to influence laws, policies, decrees, regulation, and appointments. Capture is successful when firms can shape the rules of the game in their favour (Hellman, Jones, and Kaufmann, 2000, p. 5; Yakovlev, 2006; Stigler, 1971; Frye, 2002; Ganev, 2007).[21] Although the

21 Hellman, Jones, and Kaufmann (2005) distinguish state capture from influence and corruption. They define *influence* as an organization's capacity to have an impact on the formation

concept of capture is often associated with crony capitalism, it is not necessarily corrupt or illegal. Capture may be beneficial for the community. For instance, a person capturing the state may use the powers given to him to keep the ruling elites' authoritarian power in check. A person who captures the state may also influence policies that bring economic good for the religious community. Also, capture should not be equated with the desire to deceive the state. In some instances, a person who captures the state has the genuine desire to develop his community with the belief his actions are sanctioned by religious values.

The official ulama is considered to "capture the state" when they act in ways that are contrary to the state's wishes. They use the state's instruments to fulfil their own personal and material interests beyond what has been originally allocated as a result of co-optation. The ulama may also lobby for their own agenda which is different from the state's when they are originally co-opted to support the state's. This book applies the concept to include both the tangible and intangible aspects of policymaking. In other words, the ulama can influence policies, laws, and monetary and business contracts through direct communication with state officials, or they can do so through shaping the religious discourse and public opinion which can then put pressure on the state to alter their policies.

As mentioned earlier, several ideal-type measurements have been crafted to determine what constitutes successful capture and co-optation. The following five questions may serve as guides to determine the degree of capture. First, to what extent have the official ulama influenced state policies? Conversely, are official ulama legitimising state policies? Capture is deemed strong when the official ulama are able to change the initial policy positions of the state. One of the main challenges to measuring co-optation or capture is the difficulty attributing what or who triggers policy shifts. Furthermore, most of the discussions concerning state policies are undertaken under much secrecy and at the cabinet level. One way of bypassing this is to look at official ulama public statements, and see if there are significant government changes to comply with the ulama's requests. In contrast, co-optation is considered successful if the state is able to carry out their policies despite being urged by official ulama not to do so.

Second, are official ulama able to affect power relations through influencing the appointment of state personnel, or are these appointments

of basic rules without making any payments (influence may be exercised, for example, through interactions and meetings). On the other hand, they define *corruption* as making private payments to public officials to distort the prescribed implementation of official rules and policies.

already determined by the state? Capture is deemed strong when the official ulama are able to pressure the government to lobby members from the same organisations, families, friends, or cronies into important decision-making positions. In the same vein, official ulama can also pressure the government to appoint fellow ulama or allies to key positions within the religious bureaucracies. Co-optation is deemed strong when the state can resist official ulama requests to determine how appointments are carried out, or who should be appointed.

Third, can the state religious bureaucracies and institutions enhance official ulama's authority to make religious, social and political pronouncements that affect policies in those areas, or do these platforms constrain their ability to make independent religious rulings? If the official ulama are able to make religious rulings that are generally followed by the state and society, then capture is deemed successful. In contrast, if these state institutions restrict the ability of official ulama to make autonomous religious judgement, then co-optation remains strong.

Fourth, to what extent do ulama seek to dominate discourse or counter the interests of the state, or are the opinions expressed "scripted" and determined by the state? Capture is deemed strong if official ulama can exclusively determine what Islam is and what is not. It also means that their opinions cannot be challenged by the other ulama and even state officials. In contrast, co-optation is deemed strong when the official ulama only comply unquestioningly to the positions and statements undertaken by the state.

Fifth, to what extent do these state bureaucracies and institutions give the official ulama access to material and other resources that help them achieve other goals, apart from the material benefits already provided by the state for loyalty? One trait of co-optation is that official ulama legitimise and support the ideology of the state and they are rewarded for that. However, capture is deemed to be strong when the official ulama are able to set the terms and conditions on how much they are supposed to be rewarded. Capture is also deemed strong if they are able to use their positions of power to establish other networks than those originally intended by the state. These new networks have the potential to rival state ones.

However, there are limits to the concept of capture, given the subjectivity of measuring intent. In political economy, measuring intent is clear: interest groups infiltrate institutions with the aim to change and reverse policies for their own gain. Measuring intent is not as clear-cut in the case of the ulama because the fact that they may have different views to the state does not automatically mean capture. One way to overcome this limitation is to

consider ulama speaking against the basic parameters underlined by the state – its governing principles, the constitution, and ideology – as capture. For Indonesia, this parameter is Pancasila, and for Malaysia, Rukunegara. *Pancasila* is a Sanskrit term, where *panca* means five and *sila* means principles. It is the official ideology adopted by the Suharto government, which stands for: belief in Almighty God, the sovereignty of the people, national unity, social justice, and humanity. Rukunegara is the belief in God; loyalty to king and country; upholding the constitution; sovereignty of the law; and behaving well and morally. I consider these acts capture because the ulama did not conform to what the state expected them to do: to explain government's policies to the people.

Moreover, having ulama speaking against the government does not automatically constitute capture. In political economy, interest groups, business enterprises and policy makers also voice their disagreements with politicians, privately and publicly. To reiterate, the study only considers capture when ulama speak against the state with the explicit aim to monopolise the discourse or decision-making processes. These can be measured through their discourse and actions. For example, the ulama body can explicitly indicate in their media releases that the state includes their members in censorship boards. By doing so, they hope the state recognises their authority to define public morality. They could request the state to amend legislation to give ulama the authority to issue halal certificates. In another example, the ulama body demanded the government exclude rival groups or individuals from policymaking institutions.

Another limitation related to measuring intent is whether ulama are motivated by personal interests or religious interests. For example, do the ulama join state institutions to gain prestige, and earn a stable income, or do they feel they could forward their Islamisation agenda by obtaining state power? There is certainly no way of ascertaining these questions, but I am inclined to believe that both elements are present. In truth, I would argue that the ulama are capturing the state out of religious conviction more than fulfilling personal interests. The generation of official ulama today are raised in a social milieu that is anti-West. They believe Westernisation erodes Islamic dogmas, values, and culture by promoting hedonism, materialism, and liberalism. Some ulama equated Westernisation to Christianisation. It is unsurprising that their discourse is interested in developing Islamic societies that challenges the existing order by replacing with a pure Islamic one. The official ulama feel that the way to achieve this is to be part of state structures and Islamise them from within.

Both official ulama in Malaysia and Indonesia are trying to expand their powers – by capitalising on state co-optation and capturing the state – but from different starting points and with contrasting successes. I argue that Suharto's and Mahathir's co-optation strategies during the Islamic resurgence period (from the 1970s onwards) have shaped as well as constrained the degree to which the contemporary official ulama have been able to capture state institutions.[22] MUI's and the Malaysian official ulama's contrasting capture objectives demonstrate this. Suharto has limited the role of MUI to issuing fatwas and translating national policies, but it now wants to greatly expand this, pushing for Indonesian laws to recognise its role in Islamic economics, halal certification, and public morality. In contrast, the Mahathir government entrusted Malaysian official ulama with these roles. After Mahathir's retirement in 2003, Malaysian official ulama want to expand their authority by retaining the power arrangement during his rule. Yet, they also claim exclusive rights to interpret the state's ideology in their favour; seek to fulfil personal and group material interests beyond the extent originally allocated by the state; and appeal for the right to define Islam. The ulama generally have three areas of interests: they are individual, group, and the public. Nonetheless, I stress that these aims do not necessarily emerge out of their political, economic, or material interests, but genuine attempts to bring the state and ummat close to Islamic ideals.

When measured by their very own aims, as indicated in the official ulama's fatwas, writings, sermons and pronouncements, I contend that Malaysian official ulama's ability to capture the state is much greater than their Indonesian counterparts. In other words, MUI is struggling to achieve its objectives and facing an identity crisis in the post-New Order period. Three modalities of capture account for the Malaysian official ulama's relative strength: they have a clear institutional role; a coherent ideology; and organisational unity. Comparing official ulama's experience in the two countries also shows that there is little co-relation between capture and state strength. This contradicts many works that point to MUI's increasing strength and assertiveness after the fall of the New Order. Conversely, after the 1997 financial crisis, Malaysian official ulama have been successful in their capture even though there has been no regime change.

22 The Islamic resurgence movement will be discussed in Chapter 2. It is a period marked with rising piety and demands made by sections of the community for greater Islamisation in the public and private spheres.

## Modalities of capture

The three modalities discussed below ably explain the contrasting outcomes of official ulama's capture. These variables are stronger in the Malaysian case than the Indonesian one. First, Malaysian state governments clearly recognise the roles of official ulama institutions in their administration of Islam enactments, more so than the Indonesian constitutional's recognition of official ulama.[23] The powers of the official ulama are limited to the religious councils of each state (*negeri*).[24] Nonetheless, when Mahathir became prime minister in 1981, his government undertook significant reforms that consolidated the powers of official ulama at the federal level.[25] In 1992, the government established IKIM, and later strengthened the powers of JAKIM in 1997. These federal institutions were accorded authority in areas such as halal certification, issuing standard sermons for Friday prayers, management of Haj pilgrims, research, and censorship. In contrast, the Suharto government did not accord MUI similar powers to these Malaysian institutions. Formed in 1975, MUI's main role was to translate the concepts of national development (Departemen Penerangan R. I., 1975). MUI's fatwas are not legally binding; the state and Muslim citizens can choose whether to heed them. During the New Order, MUI fatwas generally did not contradict state ideology. Moreover, the Religious Ministry (Kementerian Agama) continues to have executive power over important aspects of Islamic affairs such as Islamic education, Haj, research and training. As I will argue in this book, Suharto's and Mahathir's different treatments of official ulama shaped and constrained their capture aims and strategies up until today.

Second, the Malaysian official ulama are better at aligning their interests around the ideology of the ruling elites compared to those from MUI. The Malaysian ulama claim to be the defenders of the five principles of the Rukunegara. Defending the Rukunegara is crucial for Malaysian ulama, as it

23 This clear demarcation is derived from British colonialism. The separation of powers between the state, Malay rulers, and official ulama at the federal level, and the state (*negeri*) levels, started during the colonial era. This arrangement continued after Malaya gained independence in 1957. For a discussion on the Malayan constitution prior to Malayan independence, see Fernando (2006) and Abdul Aziz (2013).

24 Article 3 of the Malaysian Federal Constitution stipulates that Islam is the religion of the federation. The administration of Islam is a state (*negeri*) matter. The Malay rulers are the heads of Islam of their respective states (*negeri*).

25 In 1988, the shariah court system was empowered, enlarged, and equipped with an administration independent from the Islamic religious councils and the Office of the Mufti (Maznah, Zarizana, and Sim, 2009, pp. 65-66). From 1988, the civil courts could not hear cases related to Muslim family laws and religious matters, which fall under the jurisdiction of the shariah courts.

legitimises the very institutions they occupy. They are also ardent supporters of UMNO's ideology. UMNO slogans *Ketuanan Melayu* (Malay Supremacy), *Wawasan 2020* (Vision 2020), *Islam Hadhari* (Islamic Civilisation), and *Islam Wasatiyyah* (Moderate Islam) feature regularly in their sermons, writings and discourse. Those same ulama also rely on the patronage of the Malay rulers to assert their authority. In contrast, MUI was unable to use the Indonesian state's ideology Pancasila to its advantage. The religiously neutral philosophy underlying Pancasila restricted MUI from using Islam as a rallying point to align its interest with the state's. Though vague, Pancasila constrains Indonesians from advancing their interests on religious grounds. In fact, even today, some MUI members want to adopt shariah as the organisation's ideology. According to MUI secretary, Ustaz Isa Anshary, "MUI has a general principle [*pedoman dasar*]. Compare Pancasila and Islam, Islam is bigger."[26]

Third, the capacity of the Malaysian official ulama to exercise collective responsibility and elite cohesion is better than their Indonesian MUI counterparts. Malaysian official ulama unite when dealing with the state. This ulama unity was evident during the latter part of the Abdullah Badawi government (2003-2009) and the current Najib Razak government (2009-present). The official ulama also have the option of co-operating with UMNO, and/or the Malay rulers, and even the opposition, depending on which circumstances favoured them. In contrast, orientation and ideological differences among MUI members weakened the institution's ability to capture. Members with different religious outlooks, aims, and interests influence the organisation in different ways. Frequently, there is public disagreement between MUI leaders. Internal rivalry and bickering has also weakened the institution.

I present my argument and the three types of capture above with several qualifications. I acknowledge that there are other possible intervening variables that contribute to the co-optation/capture dynamic in both countries. These factors include *inter alia* contrasting political cultures, geography and population sizes. Yet, these stark demographic and geographical differences should not hinder comparison of both countries, since the focus here is on actors and institutions at the national level of both countries. In addition, the presence of the Malay rulers gave Malaysian ulama another equally powerful patron able to counterbalance the state's influence. Monarchical institutions survived in Malaysia but not in Indonesia, except Yogyakarta province, where the Sultan of Yogyakarta is automatically the governor.[27] The nine

26 Interview with Isa Anshary, MUI Secretary, 6 December 2012.

27 The province of Solo also has a sultan, but he acts more as a symbolic ruler than having any political power.

Malay rulers remain the titular heads of Islam and Malay culture of their state (*negeri*), and their institutions were retained during British colonial rule (Amoroso, 2014).[28] The British retained the traditional monarchical system in line with its indirect rule policy. It took charge of the political and economic administration of its colony, leaving the sensitive positions of religion and Malay culture under the charge of the traditional Malay rulers. Hence, there is another layer of authority in Malaysia, the Malay rulers, when it comes to the administration of Islam. They are the pre-eminent authority and final arbiter on religion in the country. There are no alternative patrons available to MUI, because NU and Muhammadiyah tend to see MUI as a rival. It has to rely on society's support to offset the state's influence.

I am also not implying that the Malaysia ulama's case is a complete success and MUI's an utter failure. The objectives and strategies of co-optation and capture differ in both countries.[29] Here, Jessop's (2008) "strategic-relational" approach is relevant in understanding the contrasting strategies states adopt in response to society. The Malaysian ulama's success is measured in relative terms in comparison to MUI's. Thus, Indonesian and Malaysian official ulama capture should be analysed as an ongoing process. However, the bigger interest in understanding co-optation and capture processes is how these processes affect governance and discourse. Understanding these processes would allow me to re-visit existing conclusions made in the literature about official ulama.

This book sheds light on the role ulama play in contemporary society. Some scholars undertake normative approaches to understand ulama's role in modern societies. Zaman (2005), for instance, associated ulama as agents of social change and custodians of Islamic tradition. Other authors demonstrate the various roles ulama play. Authors in the edited volume *Varieties of Religious Authority: Changes and Challenges in 20th Century Indonesian Islam* map out how ulama's authority can manifest in different forms (Azyumardi, Van Dijk, and Kaptein, 2010). In this book, I focus on how ulama negotiate the roles states assign to them. It asks if ulama are constrained by being part of state structures and whether can influence religious discourse.

Understanding religious authority cannot be separated from analysing Islamic ideas, orientation, and thought, because it is necessary in

28 Being titular and symbolic heads does not mean their power is these areas are insignificant for there are instances where they speak in ways that symbolise their leadership and power in these areas.

29 I refer to Jessop's "strategic-relational" approach in understanding the contrasting strategies states adopt in response to society. See Jessop, 2008.

conceptualising how official ulama construct their authority against the state and the ummat. Debatably, the more pious or conservative the society, the more powerful the official ulama. States need to listen to the sentiments at the grassroots, which also explains why Suharto and Mahathir implemented major Islamic policies during the Islamic resurgence. Failure to listen to the masses would galvanise them to work closely with the opposition and NGOs. Moreover, discussing the role of ideas, orientation and thought is relevant because scholars are becoming increasingly concerned about the rising conservatism in Indonesia and Malaysia, especially how it affects religious minorities (for example, Chandra, 2002; Farish, 2005; Feillard and Madinier, 2011; Hefner, 2011, p. 282; Van Bruinessen, 2013). These minority groups included the Ahmadiyahs, Shiahs, Christians, Catholics, liberals and those who converted out of Islam. Scholars of Indonesia are concerned about attacks and discrimination towards minorities. Similarly, scholars of Malaysia have expressed concerns about the intolerance of Malaysian Muslims, for example, banning the use of the word "Allah" by non-Muslims, the declaration that Shias are deviants; and the forbidding of marriages between Muslims and non-Muslims (Maznah, Zarizana, and Sim, 2009; Norshahril, 2014).

However, I am also concerned with the role of the official ulama in this rise of societal conservatism. They are either reflecting the growing conservatism in the community and hence being in touch with its opinion; if I apply Riaz's view (2008, p. 38), they are the ones shaping the consciousness and ideas of the religious community. I reiterate my position that in capture, the official ulama are not necessarily fulfilling their material and economic interests; some genuinely believe that Islamisation is beneficial for the ummat. On the other hand, official ulama are pragmatists. They can switch between conservative and progressive ideas depending on whichever circumstances benefit them (Mannheim, 1986).[30]

## Comparing Indonesia and Malaysia

Given the two countries' proximity and shared history, political scientists, economists and sociologists are attracted to comparative studies on Indonesia and Malaysia (some examples are Alatas, 1997; Hadiz and Teik, 2011; Pepinsky, 2009; Preston, 2012; Ufen, 2009). Geddes (1990), however, cautions against selecting cases for comparison based on dependent variables

30 Olle (2009) made a similar argument.

(or conclusions). Selecting cases based on dependent variables, Geddes warns, biases our findings (p. 149). Delineating common denominators underlying cases with similar outcomes may ignore the fact that the same denominators can also exist in cases with different outcomes. Therefore, I avoid selecting cases based on the conclusions made by existing literature. Had I relied on the existing literature (to be discussed later in the book), I would have concluded that MUI's capture had been more successful than the JKF-MKI, and I would have designed my fieldwork to look for factors that contribute MUI's success and Malaysian official ulama's failures.

Instead, I selected Indonesia and Malaysia as case studies based on what I see as plausible independent variables that could explain contemporary official ulama's behaviour, without discounting other variables. One plausible variable is how different regime types empower ulama institutions. MUI was formed under an authoritarian, repressive government while the Malaysian ulama institutions were established under a pseudo-authoritarian government. Suharto did not accord Indonesian official ulama institutions powers and sought to maintain the country's religiously neutral philosophy Pancasila. Evidently, Indonesia's banking regulations did not specify MUI's role until 2008. After struggling for almost a decade, it was only in 2014 that MUI's role in halal certification is formally recognised by the state and DPR (Dewan Perwakilan Rakyat or Indonesian Legislative Assembly). In contrast, Mahathir delegated a substantial amount of power to these official ulama institutions. His government either created new institutions (such as IKIM) or empowered existing ones (JKF-MKI and JAKIM). JAKIM was elevated to undertake most of the state's Islamic administration: including halal certification, Islamic banking and finance, censorship, and issuing the list of religious speakers for federal mosques, and for *ceramah* (sermon) schedules.

The reasons for the two states' differential treatment of official ulama will be explored in Chapter 3. In summary, Mahathir had to make more concessions to official ulama than Suharto. In the 1970s, there were already numerous channels for ulama to oppose the state in Malaysia but few in Indonesia. In Malaysia, the ulama had PAS to voice their opposition to the state; and while in Indonesia ulama had the PPP (Partai Persatuan Pembangunan or United Development Party) as a political vehicle to oppose the state, the party was weakened by internal conflicts (to be discussed in Chapter 4). Suharto ensured that PPP remained weak by constantly intervening in its internal affairs, threatening to cut its funding if it opposed the government, and marginalising outspoken ulama in the party.

These contrasting strategies stand out from the many similarities both cases share. Both governments were strong and efficient states; had to

respond to global Islamic resurgence movement from the 1970s onwards; experienced splits within the ruling elite in the 1980s; co-opted ulama, influential Islamic intellectuals, and activists to support their industrialisation and nation-building objectives; built institutions and implemented state-led Islamisation policies; and were generally weakened after the 1997 Asian financial crisis.[31]

Because I see Suharto's and Mahathir's policies as making important contributions to contemporary ulama's behaviour, re-visiting both countries' last 40 years of history is important to understand why Suharto and Mahathir accorded these roles and powers to ulama institutions.[32] Covering the last four decades is by no means treating centuries of Islamisation and colonialism of the Malays less significant. My approach is in line with what Pierson (2003) refers to as "slow-moving" processes, where the impact of social processes can be observed only in the long run (p. 189). According to Pierson, since many important social processes take considerable time to unfold, researchers may ignore many important variables if they attempt to explain causality by only observing recent events (p. 178). The Suharto and Mahathir years are critical junctures that shape state-ulama relations in contemporary Indonesia and Malaysia.

The book underlines two vital contexts that explain the co-optation/capture dynamic: first, the Islamic resurgence movement of the 1970s to the 1990s; second, the Asian financial crisis in 1997 to the present. Since the 1970s, there has indeed been a marked shift in religious orientation amongst the ummat (religious community) towards conservatism. This shift has resulted in a global Islamic resurgence movement (see, for example, Chandra, 1987; Nagata, 1984; Zainah, 1987). Islamic resurgence refers to the endeavour by groups to "re-establish Islamic values, Islamic practices, Islamic institutions, Islamic laws, indeed Islam in its entirety, in the lives of the Muslims everywhere" (Chandra, 1987, p. 2). These groups sought to "re-create an Islamic ethos and an Islamic social order guided by the Quran and the Sunnah, in line with the Quranic ideal that 'Islam is a way of life' or *ad-deen*" (Chandra, 1987, p. 2). This phenomenon shows the

31 I do not deny that the degree of these similarities varies. For example, Malaysia was not as authoritarian as Indonesia. Islamic resurgence influenced Malaysia greater than Indonesia. In addition, after the Asian financial crisis, UMNO remained in power while the Golkar collapsed.

32 Even though the book focuses on the history of both countries since the 1970s, I do not discount the significance of historical events throughout the last century and how they contributed to the contemporary official ulama institutions. For comprehensive account of the history of Indonesia and Malaysia, see Andaya (2001), Azyumardi (2006), Gullick (1969), Pringle (2010), and Ricklefs (2008).

interconnectedness of global Islamic discourse with those in Indonesia and Malaysia. Understanding Islamic resurgence and the actors involved during that period is important in examining contemporary capture. From the 1990s, these actors were part of the religious leadership and continued to be so after the departure of Suharto and Mahathir. Reading the discourse of resurgence actors – such as leaders of *dakwah* (the call to spread the message of Islam) groups, university lecturers, and ulama – is important as they reflect the broader capture aims of the contemporary official ulama to Islamise the current state.

Understanding continuity and change in state-official ulama relations would be unsatisfactory without explicating the significance of the Asian financial crisis in 1997. The Asian financial crisis significantly altered the political landscape of Indonesia and Malaysia. With Indonesia's economy devastated during the crisis, student protests contributed to the downfall of Suharto's 32-year rule. It was also during the Asian financial crisis that Mahathir sacked his popular deputy Anwar Ibrahim, which triggered the *reformasi* movement and mass protests that divided Malaysians at a scale unprecedented during Mahathir's rule (Weiss, 2006).[33] Ultimately, the Asian financial crisis contributed to the more competitive political environment of both countries in the subsequent years, though Indonesia faced this earlier than Malaysia. This transformation shaped the conclusions scholars make about the relationship between official ulama and the states in both countries. In a snapshot, scholars portray the Malaysian ulama as continuing to act as passive agents of UMNO because no regime change occurred (Hamayotsu, 2005; Shiozaki, 2010). MUI, on the other hand, has been portrayed as becoming more assertive towards the Indonesian state and society compared its behaviour during the New Order (Moch Nur, 2005; Nadirsyah, 2004). Instead, this book maintains that they have overstated MUI's influence in the religious domain, and understated the Malaysian ulama's powers to influence the state.

This book focuses on post-Suharto Indonesia (after 1998) and post-Mahathir Malaysia (after 2003). For Indonesia, I am referring to the presidencies of Bacharuddin Jusuf Habibie (1998-1999), Abdurrahman Wahid (1999-2001), Megawati Sukarnoputri (2001-2004), Susilo Bambang Yudhoyono (2004 to 2014), and Joko Widodo (2014 onwards). In Malaysia, the book shall be limited to the prime ministerships of Abdullah Ahmad Badawi (2003-2009) and Najib Abdul Razak (2009 onwards). During this period, both states

33 Anwar's dismissal divided UMNO more greatly compared to the party's crisis in 1987, when Mahathir was challenged by Tengku Razaleigh Hamzah for the UMNO presidency.

experienced a more competitive political environment compared to the years under Suharto and Mahathir. Political competition was further enhanced as a result of the Asian financial crisis in 1997. In Indonesia, the student protests led to Suharto's resignation and the weakening of Golkar. In Malaysia, the sacking of the deputy prime minister, Anwar Ibrahim, eroded support for UMNO.

Nevertheless, my reference to both countries as experiencing more political competition does not imply that they are transitioning to post-authoritarianism in the same manner. Indonesia has undergone a regime change and transition from an authoritarian state to a more democratic state (Weatherbee, 2002). Malaysia, on the other hand, has neither been highly authoritarian, except during the 21 months under the National Operations Council after the 1969 racial riots, nor democratic (Crouch, 1996, p. 30).[34] Malaysian elections are competitive, and they are held once in every five years though Malaysia continues to witness the uninterrupted rule of UMNO since 1957. However, since 2006, UMNO has weakened, and is less popular than it was in the 1980s and 1990s. The 2008 general election saw, for the first time, the failure of the ruling BN (Barisan Nasional or National Front) coalition to regain a two-thirds majority in the federal parliament. For BN to lose five states in one election to the opposition is also unprecedented in Malaysia's history. BN did not recover in the 2013 general election, where it failed to obtain 50 per cent of the popular vote, and once again failed to obtain a two-thirds majority in parliament. However, a relatively weakened UMNO does not mean that Malaysia has become less authoritarian. Malaysia can still be regarded as what Case (2004) terms as a "pseudo-democracy" and what Ufen (2009, p. 320) describes as an "electorally competitive authoritarian regime." Hence, the phrase "more competitive political environments" is more accurate in describing the political situation in both the Indonesian and Malaysian states today.

## Book outline

This chapter has outlined the basic premise of the book: the dynamics of co-optation and capture of the state and official ulama. Scholars in the field of Islamic studies generally accept the notion of official ulama co-optation. This book explores how comparative politics concepts, particularly interest-mediation models, can be applied here to provide an alternative

34 Parliament was re-convened in February 1971.

interpretation of official ulama behaviour. Characterising religious institutions as interest groups is not novel. Warner's (2000) *Confessions of an Interest Group: The Catholic Church and Political Parties in Europe* describes how churches across Europe behaving like any other interest groups articulating needs, mobilising voters, establishing alliances with political parties and state elites in order to entrench their influence in society.[35] How can these models be aptly applied to the Indonesian and Malaysian official ulama? How useful are these models in explaining the co-optation/capture dynamics of state-official ulama relations? These are the questions that will be dealt throughout this book, with special focus on MUI and Malaysian muftis.

Chapter 2 defines the ulama institutions in both Malaysia and Indonesia and discusses the roles, structure and evolution of these institutions by focusing on their contemporary status, and sets up the discussion for Chapter 4 and Chapter 5 that draws out the significance of these institutions' origins. It focuses on MUI in the case of Indonesia, and on JKF-MKI, JAKIM, and IKIM in the case of Malaysia. The chapter acknowledges that official ulama institutions in Indonesia and Malaysia have many differences. However, in demonstrating co-optation/capture dynamics in both countries, the chapter makes a case why MUI on the one hand, and JKF-MKI, JAKIM, and IKIM on the other hand, are comparable cases.

Chapter 3 describes the political and social context that contributed to Suharto's and Mahathir's co-optation policies. The chapter deliberates on the Islamic resurgence movement that was marked by a shift in the religious outlook of the Muslims. During this period, there was a rise in piety in both Indonesia and Malaysia. This chapter also examines the different religious cleavages in both countries. Indonesian Muslims are divided into the traditionalists and modernists, while Malaysian Muslims are divided into ethno-nationalists and Islamists. Generally, traditionalists argue that Muslims should follow the four classical Islamic jurists Hanafı, Maliki, Hanbali, and Shafie, whereas modernists contend that religious teachings should consider the contemporary context. Ethno-nationalists emphasise the cultural aspects of religious traditions while Islamists desire a return to the Islamic "golden age" and are anti-cultural in their religious outlook. Discussing these cleavages is important in understanding why Suharto and Mahathir devised the co-optation strategies the ways they did.

35 In her book, Warner (2000) argues that the Catholic Church behaves like an interest group akin to a "firm in a market seeking a supplier of goods" (p. 4). She controversially applies the rational-choice theory or cost-benefit analysis in characterising the behaviour of the Catholic Church.

The chapter then explores the different ways Suharto and Mahathir managed Islamic resurgence and other threats to their authority in the 1980s and 1990s. In the 1970s, Suharto aimed to neutralise the traditionalists, and, in the 1980s, sought to counterbalance the military. His co-optation instruments include the creation of PPP, MUI, and ICMI (Ikatan Cendekiawan Muslim Indonesia or Indonesia Association of Muslim Intellectuals). Mahathir, on the other hand, strengthened traditional religious institutions and built new ones to subdue challenges from a more Islamist PAS. The federal government undertook "soft" Islamisation programmes – such as establishing Islamic banks, Islamic universities, and strengthening Islamic bureaucracies – as well as empowering the official ulama. I contend that these varying co-optation strategies affected the official ulama's ability for capture in the twenty-first century. The main argument of this chapter is that Suharto did not empower the ulama the way Mahathir did, and this impacted the official ulama's behaviour later. I classify Suharto's co-optation as symbolic institutionalism and Mahathir's as substantive institutionalism.

Chapter 4 assesses MUI's success in capturing the post-Suharto state. I highlight that MUI in contemporary Indonesia continues to function under the shadow of the New Order. The Suharto government defined and confined the powers of MUI. In addition, MUI's internal fragmentation hinders its quest for capture. Apart from the success of the DSN-MUI (Dewan Shariah Nasional or National Shariah Board) to be recognised by the state to oversee the countries' Islamic banking and finance, MUI's attempts to stamp its authority on other domains such as halal certification, Islamic tourism, and formal recognition as an Islamic "watchdog" for deviant and immoral practices remain unsuccessful.

Chapter 5 examines the religious and political behaviour of the Malaysian official ulama and highlights their success in capturing the state. Although they function under their respective Malay sultan in each state (*negeri*), they are intolerant of attempts to weaken their institutions both internally and externally. The muftis inherited stronger and more powerful institutions because of Mahathir's Islamisation policies. This chapter demonstrates how the Malaysian official ulama preserve their powers by championing the ideology of *Ketuanan Melayu* (or Malay Supremacy, held by UMNO and Malay royalty) and an ethno-centric and exclusivist form of religious conservatism.

Chapter 6 concludes by recapping several points in comparison to the two states. It also summarises how the book contributes to existing works on the ulama in Southeast Asia, as well as the broader theoretical debates in comparative politics. It ends with an examination of future trends in the religious discourse in Indonesia and Malaysia.

# 2 The Official Ulama in Indonesia and Malaysia

## Emergence, Perception, and Authority

There are competing definitions of who constitute the ulama. The group is easily identified by the endorsement of the state: It has authority to speak on Islamic matters because government leaders say so. But the government's backing may contradict how society identifies their religious elite. Society may accuse those working closely with the government as lackeys of the state. This chapter defines the term *ulama*, especially how it is understood in Indonesia and Malaysia, and what the dominant perceptions towards ulama functioning in state institutions are. The chapter shall also pay attention to how academics perceive official ulama co-optation in the two countries. It then moves to describe MUI's origins, functions, structure, and relations with regional branches. Then, a similar discussion on JKF-MKI will follow. The chapter will also examine the functions of JAKIM and IKIM because these federal institutions complement the JKF-MKI by acting as its public relations, administrative, and research arms. At the end of the chapter, I discuss the reasons why MUI and JKF-MKI are comparable cases, and why this comparison is important to understand the co-optation/capture dynamics of the official ulama in Indonesia and Malaysia.

In Indonesia, MUI (Majelis Ulama Indonesia or Ulama Council of Indonesia) functions as the country's national ulama institution. It hosts a commission that issues religious rulings (*fatwas*), which are intended to guides to the country's Muslims. Although MUI fatwas are not binding, groups have quoted them to justify their actions. End 2016, a movement called the National Movement to Safeguard MUI Fatwa (GNPF MUI), rallied Indonesian Muslims, particularly those living in Jakarta, demanded that Jakarta Governor Basuki Tjahaja Purnama (also known as Ahok) be arrested for insulting Islam during one of his campaign speeches. Ahok was running for a re-election as the capital's governor in February 2017. He lost the election when a second round was held in April that same year.

This book focuses on MUI even though there is another significant bureaucracy that looks into Indonesian religious affairs, the Religious

Ministry.[1] The ministry is, however, not an ulama institution, even though at least three of its departments – Ditjen Bimas Islam (Direktorat Jeneral Bimbingan Islam or Directorate for Islamic Guidance); Ditjen Pendis (Direktorat Jeneral Pendidikan Islam or Directorate for Islamic Education); and Ditjen Haji (Direktorate Jeneral Penyelengaraan Haji dan Umrah or Directorate for Haj and Umrah) – deal with Muslim affairs. The Religious Ministry has charge of the six official religions recognised by the constitution, namely Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. The Religious Ministry is divided into the central (*pusat*) and provinces (*provinsi*), and has branches at the district (*daerah*) levels.[2] The Ditjen Islam (Direktorat Jeneral Islam or Islamic Directorate) oversees the management of tithe (*zakat*), endowments (*wakaf*), and marriage. The Haj department handles the needs of pilgrims to Mecca and liaises with the agencies that offer services to the pilgrims. Not all personnel in the Religious Ministry can be considered ulama, as some do not receive any form of training in the religious sciences, and society does not recognise them as part of the ulama class. But the most important reason why I do not consider the Religious Ministry as an official ulama institution is because it neither issues fatwas nor gets involved in fatwa research.

In Malaysia, the federal state formed the MKI (Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia or National Council for Islamic Religious Affairs Malaysia), which hosts the JKF-MKI (Jawatankuasa Fatwa or National Fatwa Committee [of the MKI]) for similar purposes as the MUI Fatwa Commission. It also formed the federal institutions JAKIM (Jabatan Kemajuan Islam Malaysia or Department of Islamic Development Malaysia) and IKIM (Institut Kefahaman Islam Malaysia or Malaysian Institute for Islamic Understanding) to support the JKF-MKI in co-ordinating fatwa discussion and research with state (*negeri*) religious councils.

I focus on the JKF-MKI (National Fatwa Committee) because it is the closest Malaysian comparison to MUI.[3] The JKF-MKI is a forum where muftis

1 The ministry was established based on Article 29/1945 of the constitution that upholds the Oneness of God principle, while guaranteeing the freedom of every inhabitant to embrace his religion (Noer, 1978, p. 8). This principle was later embodied the state's ideology Pancasila.

2 Despite the general move towards decentralisation that happened during post-Suharto rule (Bunte, 2009), the Religious Ministry's powers mostly rested with the central office. According to Article 10/2004 on lawmaking, provincial or local governments do not have the power to make regulations on matters of religion. This power has been legislatively reserved for the national government under Article 10(3) of Law No. 32/2004 on regional autonomy.

3 Undeniably, both MUI and the Malaysian muftis are not perfect comparisons. MUI represents as a loose network of ulama that gathered under a state-sponsored platform, whereas the Malaysian muftis are civil servants. MUI officials are not appointed by the state but receive

from various states (*negeri*) meet to discuss issues concerning Malaysia. The JKF-MKI was established in 1970, under Article 11 of the MKI (JAKIM, 2013b). This committee is made up of the chairman, who is appointed by its members, the muftis of the 13 states (*negeri*), the Mufti of the Federal Territory (Wilayah Persekutuan), and nine other Islamic scholars. The council also included other professionals and legal experts appointed by the Council of Rulers (Majlis Raja-Raja).

I also include federal institutions JAKIM and IKIM as part of my analysis, given the significant supporting role they play for JKF-MKI. JAKIM acts as a secretariat for the JKF-MKI, which meets six times in a year, or more if required. IKIM acts as the research and intellectual institution that hosts meetings and conferences that involve official ulama. JAKIM acts as an enforcement body for the JKF-MKI and complement one another. I am also including JAKIM in my analysis because it oversees some of the roles and functions of MUI, such as issuing halal certificates (for food products and cosmetics). The powers of JAKIM are extensive, including overseeing the role of the Religious Ministry. It undertakes the administration of Haj and religious education for national schools (*sekolah agama rakyat*).[4] However, unlike in Indonesia, there is no "religious affairs" minister in Malaysia, but only a de facto minister under the Prime Minister's Office who oversees religious affairs.

At face value, MUI and JKF-MKI look to be very different institutions. The amount of funding MUI receives from the Indonesian state is only a fraction of that which JKF-MKI gets from the Malaysian state, despite Indonesia's Muslim community being 14 times bigger than its neighbour. In addition, MUI members appoint their own leaders, with ulama from *ormas* (*organisasi kemasyarakatan* or civil organisations) and civil society make up the majority of its membership, though state officials are also represented on its Advisory Board. By contrast, JKF-MKI consists of muftis (determined by Malay rulers), JAKIM officials, representatives from state (*negeri*) religious councils, and academics. Overall, MUI's functions combine those of a religious bureaucracy and an NGO, whereas JKF-MKI is part of the state's structure assisted by a bureaucracy, JAKIM.

Despite these differences, comparing MUI and JKF-MKI has its merit, especially to better understand capture and co-optation processes in both

yearly funding from the state, while the Malaysian muftis are appointed by the Malay rulers and are salaried government employees.

4 Interview with an UMNO member, 8 February 2013. The Islamic schools fall under the jurisdiction of the Islamic religious councils in the state (*negeri*).

states. Both institutions contain units actively involved in state capture, and they include units responsible for issuing fatwas, overseeing shariah economics, managing halal certification and determining public morality. Moreover, these two institutions have similar origins and functions: they were formed or enlarged under authoritarian conditions – under the rule of Suharto and Mahathir) – as national ulama institutions to issue fatwas and religious advisories. Their membership is made up of individuals with similar objectives. Ulama from both countries agreed to participate in these bodies in order to increase their influence within their respective states. The politicians in these states, in return, sought to advance their political and economic objectives through co-opting the ulama.

## Defining ulama

In contemporary Indonesia and Malaysia, religious knowledge is taught in Islamic boarding schools (*pesantren* or *pondok*) and *madrasah*. In Indonesia, the pesantren system remains the most traditional form of Islamic education where learning is mostly through reading texts (Millie, 2008, p. 107).[5] One of the most notable pesantren is Tebuireng in Jombang, founded by Kiai Hasyim Asyari (also one of NU's founders) in 1899.[6] Tebuireng became the model for many other pesantren in Indonesia and produced many influential ulama. In Malaysia, the pesantren are commonly referred to as the *pondok* and are located in rural parts of the northeast of Peninsular Malaysia (particularly in Kelantan and Kedah).[7] Yet, the pondok system has become less popular than the madrasah.[8] The madrasah is a day school that

5 The training in the pesantrens or Islamic boarding schools is regimental. According to Ustaz Akbar Kurniawan, a young religious scholar of MUI who graduated from a pesantren, "Our life is full of education. We wake up at 4am every day. Our activities are controlled by the sound of the bell, just like in the army." Interview with Akbar Kurniawan, MUI member, 4 March 2013.

6 One of the principle aims of NU's formation in 1926 was to defend the Islamic tradition of the pesantren against the tide of modernism that confronted the Malay world in the early twentieth century, especially from Muhammadiyah and Sarekat Islam (Van Bruinessen, 1994, pp. 32-41).

7 This point was made during an interview with Dr Fauzi Deraman, Associate Professor, Faculty of Islamic Studies, University of Malaya, 6 February 2013.

8 Indonesian also use the term. *Pondok* is also used although it is less common compared to Malaysia. The pondok system in Malaysia was weakened by the challenge of the reform movement of the early twentieth century (Firdaus, 1985). Students of the prominent Tok Kenali (1868-1933) later built many madrasahs in Malaya, such as Madrasah Manabi al-ulum wa Matali an-Nujum at Bukit Mertajam (Province Wellesley) and Madrasah al-Falah at Pulau Pisang near Kota Bharu Kelantan (Firdaus, 1985, pp. 10-17).

runs in the same way as modern/secular schools. A madrasah student has to obtain a certain grade and pass examinations in order to advance to the next level. The madrasah does not require students to study classical texts and its curriculum combines both religious and non-religious subjects.[9] Apart from the religious sciences, these schools also teach vocational, technical, and "secular" subjects. In Malaysia, madrasah students have to sit for national examinations prepared by the Ministry of Education, and sit for "religious" subjects prepared by the religious councils. In Indonesia, a similar madrasah system exists in parallel with the pesantren and the national school system. Since the 1970s, the Indonesian state has attempted to modernise the madrasah, and the Religious Ministry designs the curriculum. Indonesian madrasahs teach and require students take national exams. Some pesantrens have adjusted their curriculum by introducing new teaching methods, subjects, and grading systems while retaining core "religious" subjects (Sirry, 2010, p. 62).

Pesantrens, pondoks, and the madrasahs provide elementary theology to students of religious sciences, but most ulama today are graduates from Islamic universities. Some of the more popular destinations of tertiary religious institutions that offer traditional Islamic learning are the Al-Azhar University (Cairo), Darul-Ulum Deobandi (Pakistan), Islamic University of Madinah (Saudi Arabia), Yarmouk University (Jordan), International Islamic University Malaysia (Malaysia) and State Institute of Islamic Studies (Indonesia). Al-Azhar University remains the most prestigious institution of religious learning in the Sunni world. The curriculum of the madrasah and universities of the Sunni Muslim world – Indonesia and Malaysia not excluded – is fashioned largely on Al-Azhar's structure (Azhar, 2006, pp. 113-114).[10]

Some of the ulama are employed in religious bureaucracies or state-sponsored bodies dealing with Islamic policies and fatwas. This group is defined as official ulama in this book (Saeed, 2004). The term *official ulama* is an ideal-type, analytical category that distinguishes those who obtain state recognition from those who do not. In other words, if a question on who has the authority to speak on religious matters and issue fatwas arises, states will point to their official ulama. Nevertheless Muslims do

9 At the primary level, it is called the *sekolah rendah agama*, whereas at the secondary level, it is called the *sekolah menengah agama*.

10 Despite their in training the religious sciences, the role of the ulama is not solely confined to mosques. In his study of the Tunisian ulama from 1873 to 1913, Green (1978) categorises the ulama as serving three main functions in society: Islamic higher education, sharia justice and Muslim worship.

not generally use the terms *official ulama* and *non-official ulama*. To begin with, society has different criteria as to who should be called ulama. There are disagreements whether ulama are self-ascribed, society-defined, or state defined, because the concept of "ordained" ulama, akin to ordained priesthoods in Christianity, does not exist in Islam. Some societies define ulama more loosely than others. They include religious preachers as ulama, even though they have not contributed to any scholarly debate or writings.

The official ulama obtain "formal legitimacy" and the state appoints them into positions within the apparatus. Their positions include mufti, qadis (judges), and officials in religious departments. The official ulama have access to key institutions of the state such as the religious councils, which are sources of power and social prestige (Mills, 1959; Norshahril, 2010a). In 1916, Haji Abdul Karim Amrullah, prominent Indonesian ulama, described the mufti institutions in Johor as follows:

> To become a Government Mufti in Malaya is a great glory. You have an official uniform, with a whole banana-comb epaulette on the shoulder, a *jubbah* embroidered with gold thread, a silk turban, and your own car. The *ra'yat* [people] fear and obey you, eat the scraps from your table, your spat on *sireh*. And if you want to get married *Bismillah!* (Roff, 1994, p. 67)

The elevation of the ulama into religious bureaucracies, as a salaried and professional class, means that their authority is attached to an office and not necessarily to popularity. Their tasks include representing the state in international meetings and conferences; leading prayers in national events (such as the opening of the parliament or legislative assembly); and speaking on behalf of the state on religious issues.

Some ulama obtain popular legitimacy independent of these state-sponsored institutions: through credentials, appeal, conduct, and charisma.[11] Charisma also extends to the ways their ideas are articulated in public, the events they attend, the way they dress, the lifestyles they lead, the issues and concerns they discuss, and the prestige of their descent (Ghozzi, 2002; Nagata, 1984). Traditional and new media may further boost popular legitimacy. Furthermore, informal organisations such as *sufi/tariqahs* may provide popular legitimacy. In these *tariqah* groups, the ulama can obtain legitimacy by being the son, or even student, of a prominent sheikh. For

11 In Weber's (1978) terms, popular legitimacy here may be in the form of charismatic authority. The claim to charismatic authority may take the form of moral grounds, including piety. Interview with Ichwan Sam, MUI Secretary General, 3 December 2012.

instance, Arabic names carrying the term *sayyid* symbolise descent from the Prophet and Hadrami. Lastly, another form of popular legitimacy is through the possession of mystical and magical powers, such as the ability to cure an illness or foretell the future.[12]

The ulama bear titles that signify their authority and status vis-à-vis ordinary religious teachers and preachers. Titles are to be conferred – either by the state or society or both – based on educational background, occupation, and the offices they occupy. Graduates of the pesantren who eventually become religious teachers bear the title *kiai* or *ustad*. In Indonesia, the term *kiai* often comes with the title *haji* (hence *Kiai-Haji* or KH), which means the ulama have performed the pilgrimage to Mecca, the fifth pillar of Islamic faith. In Malaysia, the term *Kiai-Haji* is not used by the ulama. The Malaysian muftis are identified as *sohibus samahah,* an Arabic term which means the "honourable." Other popular titles for the Malaysian ulama are *Tok Guru* (mainly graduates of pondok), *murshidul am* (General Guide), and *ustaz* (teacher). Some other titles for ulama amongst the *sufi/tariqah* circles include *sheikh* and *habib*. The latter is more common for individuals of Hadrami descent.

## How academics perceive official ulama

Hatina (2010, p. 5) claims that, in the main, Western scholars perceive ulama losing their authority and independence as they enter state structures. Most European and North American political scientists conclude that ulama serve their religious communities, providing independent religious judgement in line with Islamic traditions by not being part of any state-sponsored institution. Earlier, I cited works by Saeed (2004), which provides a general overview of the decline of official ulama, and by Skovgaard-Peterson and Graf (2009), which focuses on Al-Qardawi's perception of Egyptian Mufti Tantawi as ceasing to be a genuine religious scholar and as supporting official ulama co-optation. Others who share this view include Ghozzi (2002), Bligh (1985), Kechichian (1986), and Khuri (1987). For example, in comparing the Tunisian and Iranian ulama, Ghozzi (2002) singled out "institutional

12 This is not to say that ulama in the state bureaucracies are necessarily less popular, less charismatic or less qualified than those who are not part of such formal institutions. They may also possess traditional and/or charismatic authority. Indeed, some ulama may be offered positions in the state bureaucracy and also to run as candidates in elections as a result of their popularity.

autonomy" as one of three indicators measuring the ability of ulama to influence the state. He suggests that ulama are in a better position to influence the state if they accumulate three forms of institutional and symbolic capital, namely doctrinal consensus, institutional autonomy, and leadership charisma. Ghozzi shows how the Tunisian and Iranian ulama capitalise on ulama institutions to secure a combination of all three types of capital.

There are, nevertheless, studies that have challenged this co-optation thesis. While these studies refer to different issues, historical moments, and cultural settings, they point out the various ways the official ulama utilise their access to state power to build personal networks with the ruling and business elites, acquire resources for personal benefit, and exercise influence beyond what is expected by the state under co-optation arrangements. For example, Levy (1983) concludes that the [official] ulama during the Ottoman ruler Sultan Mahmud II's reign (1808-1839) demonstrated a high degree of pragmatism in ensuring the survival and preservation of their interests when dealing with the regime.[13] Similarly, Hatina (2009a) argues that the incorporation of early-twentieth-century Middle East ulama into the state apparatuses, and their seeming political quietism may not necessarily be the result of passivity. The official ulama's discourse contains "elements of conformity, submission, and reform, as well as protest and dissent" (p. 252). He cites the example of how official ulama used their positions to demand "Islamic cultural authenticity" akin to those of Islamists, a group the state deplored. According to Hatina, the criteria for measuring power and authority in terms of political power are inaccurate (p. 249). This shows that the state's ability to co-opt official ulama may not always be successful; official ulama can in return influence the state. Hatina posits that accusations of contemporary ulama's weakening authority have found their way into many Western academic works (p. 251). These claims, according to Hatina, are not true.[14]

Marsot's (1973) study of eighteenth-century Egypt also shows the ability of official ulama to amass wealth and land, fulfilling their personal interests

13 The use of the term *official ulama* is not from the original author. Nevertheless, the author is implying ulama who function in the religious bureaucracies.

14 The works he cited include those by H.A.R. Gibb, Elie Kedourie, Bernard Lewis, and Ira Lapidus in the 1950s and the 1960s, and Emmanuel Sivan, Martin Krammer, Olivier Roy, Gilles Kepel, Barry Rubin, Haim Gerber, John Voll, and John Esposito in the 1980s and the 1990s. Hatina (2009a) also disputes the claim made by Kramer, Voll, and Esposito about the "decline of the ulamas" and "religious establishment in decline" in the modern era (p. 251). The claim that the religious establishment in decline is made because the ulama are seen as mainly confined to the mosque and the madrasahs.

beyond the rewards allocated by the state. He argues that although the ability of official ulama to stand up for Islam seemed to be in decline, when they were co-opted into state structures, the wealth they amassed, particularly as landowners of estates and *waqf* (endowments) and as merchants, made them among the most powerful economic players in Egyptian society. By the same token, Al-Atawneh (2009) was careful in concluding that the co-optation of the ulama into state bodies automatically led to the decline in their authority. By examining the relationship between Saudi tribalism and Wahhabi teachings,[15] Al-Atawneh observes that measuring power is more complicated than often assumed because distinguishing between power and influence is impossible. It is difficult to determine who is influencing whom. He argues the "distribution of power between the ulama and the *umara* (political leaders) has never been clear despite two centuries of mutual relations" and the ulama can increase "their influence over policies and government circles" (p. 214). Thus, the official ulama can dictate government policies from within the state's structures, which they would not have been able to do had they not been part of these structures. Al-Atawneh's conclusion here strengthens my claim that capture and co-optation can co-exist. He posits that through co-operation with the state, the official ulama had extended their control in the Saudi Ministry of Justice, the Ministry of Islamic Affairs and Endowments, the Ministry of Pilgrimage, the Committee of Commanding Good and Forbidding Wrong, as well as the foreign affairs portfolios of the World Muslim League and the World Assembly of Muslim Youth (p. 215). The ability of official ulama to accept Saudi's tribalism with their brand of Wahhabi Islam makes their co-operation sustainable.

Zaman (2002) also cautions against considering contemporary ulama declining in authority. Though referring to South Asian ulama, he postulates that ulama generally are capable of re-constructing their authority when confronted with modernisation and secularism. His view contradicts Saeed's (2004), who argued modernisation and secularism weaken the authority of official ulama. Zaman sees the ulama as having the ability to utilise the new media to their advantage in defence of their authority.

15 Al-Atawneh clearly spells out his disagreement with the views of scholars such as Aharon Layish, who stated that the modern Saudi ulama "have ceased to be one of the two foci of power alongside the umara, though they still belong to the political elite and play an important role, especially in times of crisis" (p. 213). Al-Atawneh also disagrees with O.Y. al-Rawaf, who stresses that "[t]he ulama have exercised very little or no influence over major policies concerning foreign affairs, internal security economic development, oil production and pricing wealth distribution and regional allocation, or political participation" (p. 214).

Zaman (2005) disputes the claim of some scholars who perceive the ulama as "a mere relic of the past, as having been entirely co-opted by the ruling elite, as altogether mired in an unchanging view of both Islam and the world and, in any case, as having little interest or importance to contribute to contemporary Islamic discourses" (p. 62). Instead, he contends that:

> The ulama have not only undergone significant changes in the modern world, they have often adapted in a variety of ways to the transformation around them and have thereby come to play roles of considerable importance in countries like Pakistan, India, Saudi Arabia, Egypt, Iran and elsewhere. These roles are varied and, while they can be usefully compared across Muslim societies, they are, in each instance, the product of particular configurations of local, national, and international factors. (Zaman, 2005, pp. 61-62)

I situate Zaman among those scholars who question the notion of official ulama and co-optation. These scholars portray official ulama as a dynamic social group exercising influence over the ruling elites. According to Zaman, ulama contribute to building democratic and civil society (Zaman, 2005, p. 62). Despite these challenges to the co-optation thesis, I argue that the perception of official ulama co-optation remains dominant not only in academia, but also in Muslims' everyday discourse. This was demonstrated during my interaction with the Muslim community in Indonesia and Malaysia throughout my fieldwork. The groups expressing most dissatisfaction of official ulama are, unsurprisingly, the ulama who refused to take up positions in the religious bureaucracies and state-sponsored institutions. These "non-official" ulama chose to participate in political parties or civil-society organisations (including ormas) instead of serving the state directly. Besides these unofficial ulama, other secular elites have questioned the authority of official ulama.

Studies on ulama in other parts of the world have shifted from one that simply equated official ulama and co-optation to the possibility of capture does not seem to resonate into works that discussed official ulama-state relations in Southeast Asia. To begin with, there have been few studies that compare contemporary ulama in Indonesia and Malaysia.[16] Azyumardi's examination of the spread of Islam into the Malay Archipelago is the closest

16 Existing comparative studies on Islam in Indonesia and Malaysia have focused on the states' management of Islam (for example, Fealy, 2005) and the study of personalities and groups' ideas, discourse, and writings (Fealy and Hooker, 2006; Riddell, 2001).

comparative work done on ulama in both countries (2004a, 2006), though his analysis concerns the seventeenth- to eighteenth-century Malay world. He traces the interactions of three Southeast Asian ulama – Nur ud-Din ar-Raniri, Abd-al-Rauf al-Sinkili, and Yusuf al-Makasari – with the Middle Eastern ulama and how they contributed to renewal and reformist orientation in the Malay world. Other comparative works tend to focus on the writings and ideas of important religious elites, including professionals, politicians, intellectuals, and the ulama. The later chapters in Riddell's *Islam and the Malay-Indonesian World* (2001) compare the views and religious worldview of the ulama. In the same vein, Fealy and Hooker's *Voices of Islam in Southeast Asia* (2006) highlights many Southeast Asian Muslims and features contemporary ulama writings.

Comparative works on official ulama in both countries have also focused on fatwas and less on political behaviour (Abdul Monir and Wan Roslili 1998; Hooker, 1997). Generally, scholars have studied official ulama institutions from both countries separately. Atho' Mudzhar's (1993) thesis is the first to discuss MUI's fatwas during the New Order period. His thesis traces the methods applied by MUI members in producing fatwas. Atho' Mudzhar posits that during the New Order MUI did not have a consistent methodology for issuing fatwas. MUI issued fatwas based on political and cultural circumstances. Atho' Mudzhar contends that the MUI Fatwa Commission also issued fatwas to support Suharto's policies (p. 119). He cites fatwas on frog breeding, the edibility of rabbit meat, the permissibility of mechanical slaughtering of animals, and family planning, to demonstrate MUI's support of state's policies. Atho' Mudzhar's thesis tends to support the argument for strong co-optation of MUI, even though he mentions instances in which MUI opposes the state. The idea of MUI occasionally opposing the state is also supported by scholars writing before the fall of the New Order (Hooker, 1997; Van Bruinessen, 1996).[17]

Most writings on MUI were published after 2000, because there has been wide interest in understanding the changing behaviour of MUI after the fall of the New Order. Wahiduddin's (2004) study focuses on how MUI's fatwas have significantly impacted Indonesian laws (p. 229). He observes that between 1975 and 1997, 11 fatwas were incorporated into Indonesian law. While none of the fatwas issued during Shukri Ghozali's chairmanship (1981-1984) formed part of any law, fatwas passed during Hassan Basri's

17 Van Bruinessan cites examples of the family planning programme, and the Porkas lottery in the 1980s. There were disagreements within MUI, but the members chose not to voice their disagreements with the state publicly.

tenure (1984-1998) were incorporated into at least seven laws (Wahiduddin, 2004, p. 229).[18] On the one hand, he concludes that MUI has captured these aspects of the state during the New Order period. On the other, his work offers little evidence to suggest that these fatwas contradict the state's ideology, and more particularly, the regime's wishes.

Academics in the field of law have alluded to the doctrinal aspects of MUI's fatwa. Nasir and Asnawi (2011), for instance, focus on MUI's fatwa on abortion. The fatwa reveals the dialectic between Islamic law and ethics on the one hand, and state discourses and social norms on the other. The authors seek to demonstrate how MUI's fatwas can contradict the state's position and, in some ways, are progressive. Unlike ulama in many Muslim societies who object to abortion, MUI's fatwa allows abortion in the case of necessity (*dariira*) and need (*haja*): if a pregnant woman is suffering a life-threatening disease such as cancer or tuberculosis; and if the pregnancy jeopardises the mother's life.[19] Abortion is also justified when doctors detect the foetus as incurably genetically defective. MUI's fatwa also justifies abortion for victims of rape.

Recent studies on the MUI in the post-Suharto era shift the focus from the doctrinal/legal aspects of MUI's fatwas to more legal/political ones.[20] To illustrate, Moch Nur (2005) contends that MUI fatwas changed from supporting the Suharto regime to occasionally opposing government policy. Comparing the behaviour of MUI during the governments of Suharto, Habibie, and Abdurrahman Wahid, Moch Nur argues that MUI distanced itself from the state after the fall of Suharto, and brought itself closer to the perceived "orthodoxy" position. MUI also increasingly issued *tausiyahs* (advisories) – not fatwas – to comment on political issues and became more assertive in the public domain. The subject of MUI becoming more conservative and assertive than the New Order period is also discussed in Gillespie's (2007) article. He argues that MUI's Fatwa No. 7/2005 opposing pluralism, liberalism, and secularism, often known by the unattractive

18 Wahiduddin (2004) also deliberates on how MUI lobbied its fatwas so that they were incorporated into laws. During the New Order, MUI negotiated with the state through lobbying religious organisations and leaders from the pesantrens. However, on issues concerning public morality, MUI lobbies institutions that are closer to the state, such as ICMI (p. 231).

19 MUI's stand on abortion is that termination can be performed before the 40th day of gestation. MUI, however, states that Islam forbids abortion from the time that a blastocyst implantation takes place within the mother's uterus, or when the pregnancy resulted from illicit sexual intercourse.

20 These works focus on MUI's fatwas; the studies published after 1998 focus on contentious issues such as apostasy, liberal Islam, and Ahmadiyah: Crouch, 2009; Gillespie, 2007; Moch Nur, 2005; Atho' Mudzhar, 1993; Nadirsyah, 2004; Nasir, 2014; Syafiq, 2011.

acronym SIPILIS, manifests the institution's attempt to demarcate a new role in the public domain, one which is aligned with the ummat and the state. He highlights that recent developments in Indonesia manifest the conservative thinking underpinning the 2005 fatwa. Gillespie also suggests that MUI's building resentment over the dominance of pluralist religious thought in Indonesia resulted in MUI Fatwa No. 7 being released.[21]

Nadirsyah (2004), on the other hand, focuses on fatwas: the method of handing them down, their sources, their relationship between national and local levels, and their subjects. He contends that it is not easy for MUI to satisfy both society and government, and that it has to select its arguments very carefully in order to find a balanced way of helping Muslims deal with present-day problems not covered in the Quran and Sunnah. Moreover, Nadirsyah accounts for the diverse kinds of fatwas issued by MUI, ranging from the conservative to the progressive. He questions how members from NU (Nahdlatul Ulama or Revival of the Ulama) and Muhammadiyah, some of whom are also members of the MUI, reconcile their differences for a collective fatwa (p. 167). He points out that ulama at the national level are more moderate than those at the provincial level (p. 174), and that the fatwas at the provincial level may contradict those of the national level. I agree with Nadirsyah's differentiation of ulama behaviour at the national and provincial level, which strengthens my argument that MUI ulama do not constitute a homogeneous group.

Syafiq (2011) discusses MUI's position on religious freedom. In demonstrating MUI's transformation from co-opted to independent, Syafiq recounts how Ali Yafie, a former MUI chairman (1998-2000), candidly asked President Suharto to resign in 1998 (Syafiq, 2011, p. 5). He then describes how MUI underwent three major shifts in the post-Suharto era. First, it tried to distance itself from the Abdurrahman Wahid government. Second, in 2000, MUI amended its basic ideology from Pancasila to Islam. This paved the way for MUI to represent the voices of the more radical groups. Third, MUI introduced the concept of *tenda besar* (big tent), in a way to embrace all the Muslim organisations in Indonesia (Syafiq, 2011, p. 7). Syafiq asserts that MUI has become the sole authority on *akidah* (faith) matters. MUI has been able to exercise its influence on the protection of the akidah since 2005

21 Gillespie also sees MUI as carrying the historical baggage as the main spokesperson for the New Order regime. However, MUI's continuing reliance on the government funding means MUI will continuously be accused of collusion and bias every time it agrees with unpopular government policies, or that it will have an uneasy and difficult relationship with the government whenever there are disagreements. Gillespie remains sceptical of MUI's ability to demarcate a new role for itself in a rapidly changing Indonesia.

with the fatwa on Ahmadiyah, JIL (Jaringan Islam Liberal or Liberal Islam Network), Inkar Sunnah, Shia, Islam Jamaah, and Darul Arqam (Syafiq, 2011). I disagree with Syafiq's point that MUI's fatwas on akidah are the most authoritative amongst the ormas. MUI members who feel the institution's fatwas represent the interests of all Indonesians often make this claim. Muhammadiyah and NU ulama interviewed during fieldwork were critical of MUI fatwas, claiming that they are conservative and do not represent true Islamic principles.

There are also studies that shift the focus from central MUI to provincial MUIs, particularly their role in promoting attacks on "heretics." In his study of MUI East Java, Olle (2009) interviewed one MUI member to understand the institution's role in promoting religious violence. Olle believes that groups such as FPI (Front Pembela Islam or Islamic Defenders Front) conduct violent attacks on religious minorities in order to generate issues. He does not see MUI as an institution that condones violence. However, Olle later suggested that MUI supported attacks on "heretics" so that the state would ban these groups (p. 111). Similar to Olle's work, Moch Nur (2012) has conducted research on MUI in the Banten province. Moch Nur examines MUI Banten's contribution to the violence on Ahmadiyahs in the province (Moch Nur, 2012). He claims that the groups that attacked "deviants" have abused Banten MUI's fatwas on deviancy. I agree with Olle's and Moch Nur's findings on how local MUI fatwas have been used by violent groups to justify attacks on religious minorities. However, I suggest that the behaviour of local MUI members do not represent the behaviour of central MUI.[22] During my conversations with central MUI members, some condemned the behaviour of their local chapters.

Three general conclusions can be drawn from the works on MUI discussed in the previous paragraphs. First, existing works portray MUI as having transformed itself from a loyal institution of the New Order government (1965-1998) to one that is more independent if not absolutely separate from the governments of Abdurrahman Wahid, Megawati Sukarnoputri, and Susilo Bambang Yudhoyono. This transformation was accompanied by a paradigmatic shift from a state-centred institution to an ummat (people)-centred one (see, for example, comments by Moch Nur, 2005, 2010). Second, scholars are concerned about the increasing levels of conservatism expressed in the religious rulings of MUI, especially during the post-New Order period. Scholars deem MUI's fatwas as encouraging groups such as FPI to attack Shias and Ahmadiyahs (Crouch, 2009; Moch Nur, 2013; Nasir,

22 This view is supported through my conversations with members from MUI in Batam, RIAU.

2014; Sirry, 2013; Syafiq, 2011). Third, scholars place strong emphasis on the political intent of MUI's fatwas and that they strongly affected government policies. These scholars also imply MUI's fatwas are widely followed by Indonesians (Nadirsyah, 2004; Ricklefs, 2013; Wahiduddin, 2004).

The perception of state co-optation is dominant in discussing the behaviour of the Malaysian official ulama. Rais (1995, p. 249), for instance, believes that the state uses the official ulama as a tool to deflect any Muslim challenges. According to Rais, the Mahathir government instructed the JKF-MKI to issue a fatwa against the Darul Arqam movement in 1994, declaring the movement deviant. On the 6 August 1994, the Prime Minister's Office organised a special JKF-MKI meeting in Kuala Lumpur. The swift decision to ban the movement was significant because the committee meeting took place just three days after the deputy minister, Abdul Hamid Othman, suggested that the Darul Arqam be banned as soon as the muftis declared the movement illegal (Norshahril, 2010b, p. 134). Normally, the committee takes months, if not years to issue a fatwa. Furthermore, for an issue to be discussed at the committee, at least one ruler has to raise it during the Council of Rulers meeting. The swiftness of the Darul Arqam fatwa prompts questions about whether it was the Malay rulers or the Prime Minister's Office that initiated the fatwa meeting.

Shiozaki (2010) views the Malaysian official ulama as having surrendered their autonomy to the UMNO (United Malays National Organisation) government. Shiozaki contends, "Ulama became bureaucratic under governmental control. Many ulama were institutionalised. Their authority and influence in society were weakened" (p. 101). He then points out UMNO's ability to weaken official ulama's influence. Shiozaki goes so far as to suggest that

> The power to centralise and standardise the administration by the Federal Government is very mighty indeed. Islamic activities were also incorporated in the centralisation and the institutionalisation processes. In the process of bureaucratisation, ulama lost their autonomous position in Muslim society. Bureaucratised ulama lost their authority and influence in the Muslim masses. Islamisation policy enlarged the impact of Islam in Malaysian society. However, on the other hand, Islamic activities came under the control of the modern government. Islamic activities lose their dynamism if they stay under governmental control. (p. 103)

The subject of co-optation of the Malaysian ulama is central to Hamayotsu's (2005) doctoral thesis. She observes that the Malaysian state co-opts the religious elite in the same manner as the British colonial powers did. According

to Hamayotsu, federal institutions co-opt the religious elite and the government mobilises and employs them to support its national development efforts (p. 249). But co-optation does not only serve the interests of the state. She suggests that many of the ulama enjoy being close to powerful politicians and journalists. In addition, she claims UMNO co-opts JAKIM and IKIM ulama to support the state's agenda for their brand of Islam (p. 267).[23]

On the other hand, Maznah's (2013) study focuses on the processes that empower official ulama. She concludes that the authority of official ulama is tied to the bureaucratisation of Islam, which resulted in the homogenisation and the "ring-fencing" of the Muslim subject. Homogenisation, she argues, is the outcome of the state's decision to accord religion official and codified definition, while ring-fencing involves expanding the spheres of social life under shariah. She sees homogenisation and ring-fencing as resulting from: the empowerment of legal-bureaucratic Islam through the creation of federal institutions, the restructuring, multiplication and proliferation of the Islamic institutions at the state (*negeri*) level; the inclusion of more provisions, regulations and laws under shariah statutes; and the harmonisation of civil with shariah systems.[24] Maznah's work underscores the processes that raise official ulama's capability for capture of the state today. I agree with Maznah's analysis, particularly on how Mahathir's policies in the 1980s expanded the authority of official ulama. I would add also that Mahathir's policies were in line with the societal demands for greater Islamisation in the public sphere.

Other studies on Malaysian official ulama are descriptive and focus on the fatwa-making institutions (Hasnan, 2006, 2008; Hooker, 1993; Othman, 1981; Zulkifli, 2008a, 2008b). Hooker (1993) focuses on religious council fatwas from the 1960s to the 1980s, while Othman (1981) discusses the evolution of the fatwa-making institutions in the various state (*negeri*) as well as criticisms of these institutions in the 1980s. In 1981 Othman called for states (*negeri*) to standardise fatwas and increase the number of experts in the fatwa committees.[25] M. A. Zulkifli's (2008a, 2008b) works focus specifi-

23 It has to be pointed out that Hamayotsu's thesis was written during the early years of the Abdullah Badawi government and may not have incorporated the religious controversies that took place just before the 2008 election.

24 Maznah (2013) argues that the harmonisation of shariah involves two groups. The first group sees harmonisation as in line with the expansion of the Islamic agenda. The second group, by contrast, genuinely seeks to synchronise the gaps between the shariah and civil courts. However, she posits that the first group is in the upper hand, and that most religious bureaucrats see UMNO as their patron (p. 128).

25 In 1988, Mahathir took up this call through the upgrading of the official ulama institutions (discussed in Chapter 3).

cally on the fatwa-making processes in Negeri Sembilan. He describes the significant changes occurring in Negeri Sembilan in 1999, where the state (*negeri*) government granted the Chief Minister more powers than the ruler to appoint the mufti (p. 16). Hasnan's (2008) work is broader than M. A. Zulkifli's as he gives an overview of the fatwa-making process in Malaysia.[26] Hasnan's work highlights the similarities and differences between fatwas passed by the religious council. He also highlights the method in which the rulers appoint religious council members in the various states (*negeri*). He then criticises the fatwa institutions' inability to standardise fatwas among states (*negeri*), its ineffective procedures, and incompetent shariah committee members (pp. 128-148).

From the above, it is clear the notion of Malaysian official ulama's co-optation (particularly by UMNO) remains strong in this field of literature. Non-official ulama (in NGOs, in the opposition PAS, and university lecturers) expressed the same impression during my interviews with them. Overall, the literature on the Malaysian official ulama's religious and political behaviour remains underdeveloped and underresearched. There is a strong focus, particularly from Malaysian academics, on the fatwa-making processes. What explains this lack of interest in studying more broadly official ulama? I suspect two main reasons: one, scholars assume that the behaviour of official ulama corresponds to state expectations; and two, many official ulama are inaccessible to researchers. During my fieldwork, Malaysian official ulama were careful not to disclose any "sensitive" information, as they are bounded by the 88/1972 Official Secrets Act.[27]

## The Majelis Ulama Indonesia (MUI)

In 1975, Suharto formed MUI as a religious advisory body and a national ulama institution. MUI was, however, not the first state-sponsored ulama institution in Indonesia. In 1958, President Sukarno established an ulama council in West Java (Crouch, 2009, p. 7). In 1965, the Aceh Ulama Council was formed, and its task was to explain government policies on development to the local people. In the 1970s, its roles included helping the Suharto government suppress GAM (Gerakan Aceh Merdeka or Free Aceh Movement); developing national unity amongst Acehnese; and, most importantly,

26 See also Hasnan, 2006.

27 Among the contents of the act is ensuring civil servants do not disclose any confidential information to foreign "agents."

supporting Pancasila (Feener, 2013, pp. 100-102). However, the authority of these councils was limited to their respective regions. MUI was the first ever nationwide ulama institution in Indonesia, and it was made directly accountable to the president and to the Religious Ministry (Kementerian Agama). In fact, the Aceh Ulama Council was subsumed as its Aceh branch.

In the following, I describe the contemporary MUI's functions, structure, and relations with its branches. From this description, I demonstrate that MUI's structure has not changed since the New Order period. However, after the fall of the New Order, significant differences exist in the ways MUI appoints leaders and members and how its role has expanded.

**Functions**

MUI was established to defend the activities and concepts of national and local development on behalf of the government. In 1975, at the opening of MUI's first MUNAS (Musyawarah Nasional or General Assembly), Suharto said the MUI's role is to

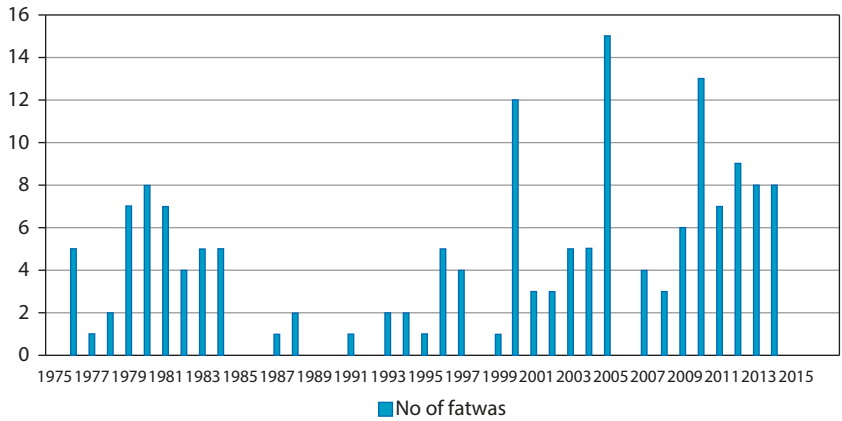
> translate concepts and activities of national or local development for the people, give advice and opinions to the government concerning religious life, mediate between the government and the ulama and to discuss the problems related to the duties of the ulama (Moch Nur, 2005, p. 48)

MUI has been undertaking work not assigned to any other government agencies or statutory boards. It receives state funding for the work it does, which currently amounts to US$300,000 a year.[28] In many other Muslim countries, the religious bureaucracy consists of ulama departments responsible for providing religious guidance or opinions to the masses. One example is MUIS (Islamic Religious Council of Singapore), which is a religious bureaucracy that oversees the Office of the Mufti. In Indonesia, the ulama council, which issues fatwas, is separate from the Religious Ministry. Since there is no duplicity in terms of the role played by MUI and the Religious Ministry, it is fair to refer to MUI as a quango (quasi-autonomous non-governmental organisation).

During the Suharto period, MUI generally took orders from the state. However, in the post-Suharto period, there have been instances where MUI wanted to chart its own course (Lindsey, 2012c, p. 256). Yet, MUI retains

28 Interview with Ichwan Sam, 3 December 2012. He mentioned that government funding was RP3 trillion a year.

**Figure 1 MUI fatwas since 1975**




most of the functions assigned by the Suharto government. MUI's primary role in the post-New Order period is to discuss, research, and issue fatwas and religious advisories.[29] The department within MUI responsible for issuing fatwas is the Komisi Fatwa (Fatwa Commission), which is lead by a *ketua* (head) who is assisted by five vice-heads. Members of this commission – 51 in all – exercise collective *ijtihad* (consensus), filling the role of a grand mufti found in many other Islamic countries. MUI issues fatwas only when the state or any MUI branch sends formal queries and most of its fatwas are issued during MUNAS (National Congress). Figure 1 demonstrates the estimated number of fatwas issued by the MUI Fatwa Commission from 1975 to 2014. The figure shows that the commission was been more active in issuing fatwas during MUNAS after the fall of the New Order in 1998.[30]

29 Its role as translators of the state's national and development policies have ceased. MUI is not the only organisation to issue fatwas. Ormas such as Persatuan Islam (Persis), NU, and Muhammadiyah issue fatwas for their members (Gillespie, 2007). In fact, these ormas hope for broader influence via fatwas. However, MUI's role as a national body is recognised at the international level. JAKIM, for instance, has acknowledged MUI as Indonesia's national fatwa-making body.

30 The quantity and quality of MUI's fatwas vary under one chairman to another. When Ibrahim Hosen was chairman of the Fatwa Commission (1980s), MUI was known for issuing controversial fatwas supporting the state (Feener, 2007, p. 163). Under the chairmanship of Hasan Basri (1985 to 1998), the Fatwa Commission issued fewer fatwas compared to the previous years. Hasan was known for not wanting to harm MUI's relations with Suharto. Interview with a DSN-MUI member, 12 August 2014. The figure is based on rough calculation of fatwas based on an MUI publication (Majelis Ulama Indonesia, 2015)

Apart from issuing fatwas, MUI also releases religious advisories, which take the form of advice (*tausiyah*), admonition (*tazkirah*), appeal (*himbauan*), and contribution to thought (*himbauan pemikiran*). There is another higher form of advice, an instruction (*amanat*), which is seen as a stronger directive to society than a fatwa (Kaptein, 2004; Moch Nur, 2005). MUI was more active issuing these advisories after the fall of the New Order in 1998.

MUI undertakes many other functions as well as being a fatwa-making body. It now has 12 commissions and five institutions that oversee these different functions. A head, supported by a committee made up of five or six members, chairs each of these commissions and institutions. The 12 commissions cover areas such as: Fatwa (Religious Legal Opinions); Ukhuwah Islamiyah (Islamic Brotherhood); Dakwah dan Pengembangan Masyarakat Islam (Preaching and Community Development); Pendidikan dan Pembinaan Seni Budaya (Education and Islamic Culture); Pengajian dan Penelitian (Research); Hukum dan Perundangan-undangan (Legal Research); Pemberdayaan Ekonomi Ummat (Muslim Community Economic Empowerment); Pemberdayaan Perempuan, Remaja dan Keluarga (Women's, Youth and Family Empowerment); Informatika dan Media Massa (Information and Mass Media); Pembinaan Seni Budaya Islam (Islamic and Culture Development); Kerukunan Antara Umat Beragama (Interfaith); Hubungan Luar Negeri (Foreign Relations). Some of these commissions are more prominent than others, but the most important commission is the fatwa commission, which forms the main thrust of the institution.

Apart from the 12 commission, MUI also hosts five institutions. They include LPPOM-MUI (Lembaga Pengajian Pangan, Obat-Obatan, Minuman dan Kosmetika or Assessment Institute for Food, Drugs, and Cosmetics); DSN-MUI (Dewan Shariah Nasional or National Shariah Board); Basyarnas (Badan Abritrase Shariah Nasional or National Arbitration Body); Badan Penerbit MUI (Publications); and YDDP (Yayasan Dana Dakwah Pembangunan or Dakwah Development Foundation). These institutions have more specialised roles in MUI and are more active in the public eye. For example, the most important institution in MUI is LPPOM-MUI, which issues halal certificates to food outlets. The other significant organisation is DSN-MUI, which oversees Islamic finance.

The book treats MUI leaders, as well as the ulama in the MUI Fatwa Commission, DSN-MUI, and LPPOM-MUI as case studies. These commissions and institutions are selected because their functions parallel the Malaysian institutions the book will be covering. The book focuses on

the Fatwa Commission because it is the most active body in MUI which carries out state capture. Some fatwas issued have a political slant seeking to influence the state's policies and regulations. The book also focuses on DSN-MUI, the institution responsible for managing shariah economics. It issues fatwas related to Islamic banking and finance and makes recommendations to the state on policies and regulations related to this sector. DSN-MUI is selected as a case because it is an important revenue-generating body for MUI. Furthermore, LPPOM-MUI oversees MUI's halal certification unit. It is responsible for issuing certificates and assessing food, cosmetics, and medical products against halal requirements. LPPOM-MUI also collaborates with international counterparts in Asia, the Middle East, and Europe to push for an international halal standard. Like the DSN-MUI, LPPOM-MUI is another income-generating body within MUI. Another reason why the book selects these two institutions is because they have spelt out their capture objectives in writing and reports. The origins and functions of DSN-MUI and LPPOM-MUI will be examined in Chapter 4, where I will discuss the capture successes and failures of these institutions.

**Structure**

MUI's leadership structure is stipulated in the *Pedoman Penyelenggaraan Organisasi* (MUI Organisation Implementation Guide). This document provides details on how MUI leaders are appointed, and what roles and duties they should play in their respective commissions and institutions. MUI is headed by a chairman and vice-chairman, and they are members of its highest executive body, the Dewan Pimpinan or Leadership Board. Their appointments are decided by a 15-member council.[31] MUI secretaries and heads of commission are ex-officio members of this board (Majelis Ulama Indonesia, 2010). MUI board members are not salaried bureaucrats like those in the Religious Ministry. They receive an allowance from MUI and the rate depends on how regularly they attend its meetings and events.[32] On the other hand, general MUI members occupy at least one of the institution's 12 commissions and five institutions mentioned above. Above the Dewan Pimpinan Harian, MUI has a body of advisors made up of ulama, intellectuals, scholars, and politicians. This body, known as

31 Interview with Isa Anshary, Secretary, MUI, 6 December 2012.

32 Interview with Ichwan Sam, 3 December 2012. This allowance includes the cost of petrol.

the Dewan Penasihat or Advisory Board, is a non-executive board.[33] This body is made up of a chairman, eight vice-chairmen, four secretaries, and 56 members.[34]

During the New Order, Suharto was the patron of MUI (Departemen Penerangan R. I., 1985, pp. 53-55) and all other leadership appointments in MUI required his approval. Apart from ulama, other professionals to be appointed were ambiguous: pesantren kiais, university professors, politicians, and military personnel.[35] The Minister of Religious Affairs, Minister of Internal Affairs, and Minister of Education and Culture sat as the institution's Advisory Board members (Porter, 2002, p. 79). During Hassan Basri's chairmanship, H. M. Soedjono, former Indonesian Air Force general and vice-chairman of DPR, was a member of the MUI Leadership Board (Majelis Ulama Indonesia, 1984, p. 172).

Though state approval is no longer necessary in the post-New Order state, politicians continue to sit in MUI's Advisory Board alongside the ulama. The 2010-2015 Advisory Board and Leadership Board includes ulama such as Quraish Shihab, Said Aqil Siroj, and Hasyim Muzadi. It also includes politicians such as Suryadharma Ali (PPP politician), Yudo Paripurno (PPP), Chairunisa (Golkar politician), and Tolchah Hasan (PKB, National Awakening Party); entrepreneur Chairul Tanjung; and former military personnel such as Lt General (Retired) Azwar Anas. Ulama from Muhammadiyah, as well as other ormas such as Persis (Persatuan Islam Indonesia or Islamic Association Indonesia), Al-Irsyad Al-Islamiah, and DDII (Dewan Dakwah Islamiah Indonesia or Indonesian Islamic Dakwah Foundation) are also part of the Advisory Board.[36]

Decisions by the Leadership Board are discussed and decided in the two meetings that are regularly held: Rapat Pleno Dewan Pimpinan (Plenary Board Meeting) and the Rapat Pimpinan Harian (Meeting for Leaders

33 Although the chairman and the vice-chairman are the organisation's highest authorities, the ketua of the respective commissions occasionally make public appearances and issue statements on issues related to their commissions and expertise. Lately, the head of the DSN-MUI and vice-chairman (since 2014), Ma'ruf Amin, appears to be the spokesperson of MUI, even though he is no longer the ketua for the Fatwa Commission. The other person who often makes statements on behalf of MUI is Amidhan, who is also an MUI ketua.

34 There were only 14 members in the 1975-1980 MUI Advisory Board and 23 in the 1980-1985 Board (Departemen Penerangan R.I., 1985, pp. 53-57).

35 Interview with Imdadun Rahmat, NU Board member, 30 November 2012.

36 However, representatives from other ormas apart from NU and Muhammadiyah have also taken up leadership positions in central MUI. Hassan Basri, MUI's third chairman, was educated in Muhammadiyah schools and former Masyumi member. See Table 3 for a list of MUI chairman since 1975 and their institutional affiliations.

Concerning Day-to-Day Affairs). The Rapat Pleno Dewan Pimpinan meets once in six months. Rapat Pimpinan Harian meetings, on the other hand, are held once a week. One of the heads (from the 11 commissions) is rotated to chair the Rapat Pimpinan Harian (Majelis Ulama Indonesia, 2010). The two meetings are differentiated based on the kinds of issues discussed. The Rapat Pimpinan Harian discusses issues requiring short-term solutions. Decisions taken in these meetings must be in line with the general principles outlined during MUI's nationwide congress, MUNAS (to be discussed later).

**Centre-regional relations**

MUI has branches in the regions (provincial and district levels), and they function autonomously from central MUI. MUI branches issue their own fatwas, which at times, contradict those issued by central MUI.[37] Furthermore, not all provincial MUI branches have clear leadership structures. Some were established by the provincial governors (Moch Nur, 2012, pp. 169-170), while others were established by independent religious teachers or *kiais* (Sirry, 2013, p. 103). According to one MUI member of the East Java branch, ulama got together to establish local MUI branches and their appointments were contingent on their connections with local government officials (Olle, 2009, p. 104). The closer they were to government officials, the higher the likelihood they would be appointed as MUI branch leaders.

Although MUI and its branches function autonomously, MUI members describe their relationship as "cooperative" and "coordinated."[38] Representatives from central and branch leadership boards, commissions, and institutions conduct regular meetings together, such as during the MUNAS, Rapat Kerja Nasional dan Daerah (National and Provincial Meetings), and Ijtima' Ulama (Conference of Indonesian Ulama). MUNAS refers to MUI's major convention held once in five years. This meeting is a platform for MUI members to discuss the general direction the institution will be charting. Representatives from the regional MUI and representatives from ormas are also invited as observers. MUI leaders as well as the chairs, managers, and

37 Thus, fatwas or opinions issued by provincial and district MUI members do not necessarily reflect those of central MUI. Journalists sometimes do not see the difference. For example, international and local media held MUI's 2005 SIPILIS fatwa – that declares secularism, pluralism, and liberalism "deviant" ideologies – responsible for the attacks conducted by Islamic Defenders Front (FPI) on Ahmadiyah followers (Aglionby, 2005; Rogers and Flipse, 2014).

38 Interview with Amirsyah Tambunan, 8 January 2013. The terms *cooperative* and *coordinated* were also used by Isa Anshary during an interview, 6 December 2012; and by Ma'ruf Amin, Vice-Chairman, MUI, interview, 3 December 2012.

secretaries from the district MUI branches attend the Rapat Kerja Nasional dan Daerah. The purpose of the Rapat Kerja Nasional dan Daerah is to develop joint programmes based on the direction agreed during MUNAS. This meeting also allows for the evaluation of past programmes conducted by MUI and its branches.

The Ijtima Nasional is a meeting MUI hosts involving the other ormas. MUI rides on this meeting to present its vision to be a *tenda besar* (large tent) or "a clearing house for all Muslim organisations in Indonesia" (Syafiq, 2011, p. 7). So far, Ijtima' Ulama have been held four times: in 2003, 2006, 2009 and 2012. Up to 750 to 1,000 ulama across Indonesia attended these meetings. Representatives from MUI branches, ormas, the Religious Ministry, pesantren leaders, university lecturers, and academics also attended the meetings.[39] While MUI officials often claim that such national meetings represent the interests of all Indonesian Muslims (Ma'ruf, 2012), most participants are MUI members. Iffatul Umniati's (2009) description of the attendance during the 2009 Ijtima Nasional shows that the Ijtima' Ulama is an all-MUI affair after all. For example, out of the 100 individuals who participated in the commission on Golput (the act of Indonesians boycotting elections), 14 were central MUI members, 80 were representatives from MUI branches, and only six were representatives from ormas.[40] Thus, opinions issued during the Ijtima Nasional are generally MUI's.

In all, MUI has evolved from its role accorded by Suharto – a body that explains government's activities and concepts of national or local development to the people – to one that tries to be a *tenda besar* for all Islamic organisations. It has also expanded its functions from a fatwa-making body to include other activities such as interfaith dialogue, shariah economics, and women's empowerment. During the New Order, Suharto wanted MUI to be influential but compliant to his wishes. He wanted it to reduce the influence and autonomy of NU and Muhammadiyah. In the post-New Order period, MUI not only wants to be the leading organisation within the Islamic community in Indonesia ahead of NU and Muhammadiyah, but also one that is autonomous from the state. Whether MUI is successful in playing this role will be explored in Chapter 4.

39 According to Professor Nabilah Lubis, the forum went smoothly as the chairman did not dictate the flow of the sessions, but mainly suggested some guidelines. The participants have the freedom to express their views. See Iffatul Umniati, 2009, p. 71.

40 The six participants are representatives from Muhammadiyah, LDII (Lembaga Dakwah Islam Indonesia or Indonesian Institute of Islamic Preachers), ICMI, Persis, PUI (Persatuan Ulama Indonesia or Ulama Organisation Indonesia). There were no NU representatives invited to attend (Iffatul Umniati, 2009, p. 77).

## Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ugama Islam Malaysia (JKF-MKI)

In 1968, the Malaysian federal government, based on the recommendation of the Council of Rulers, established the MKI as the highest Islamic body in the country. MKI's functions will be discussed shortly, but in essence, the Council of Rulers felt there was a need to have a federal institution that oversees the development and progress of Muslims in Malaysia, and to coordinate Islamic administration among all religious councils in Malaysia (Abdul Monir, 1998, p. 138).[41] MKI is not an ulama institution because its membership comprises ulama, UMNO politicians, and chief ministers, including those of opposition-controlled states (*negeri*), and other professionals. However, it oversees the country's highest fatwa-making body, the JKF-MKI, which is also known as the National Fatwa Committee.[42]

The book considers members of JKF-MKI as the core of Malaysia's official ulama. As I will elaborate later, half of the JKF-MKI members are muftis of the 13 states (*negeri*). The others are nine individuals, mostly former academics, appointed by the Council of Rulers. To improve comparability with MUI, the book will include JAKIM and IKIM leaders in addition to those from JKF-MKI. JAKIM acts as the secretariat to the JKF-MKI, while IKIM focuses on research. Their tasks are to propagate the committee's fatwas to the public through publications, the internet, and traditional media. JAKIM's and IKIM's functions will be discussed later.

### Functions

MKI functions as the highest Islamic advisory body to the Council of Rulers on matters related to shariah. Its primary role is to discuss, consider, and administer Islamic issues referred by the Council of Rulers (Abdul Monir, 1998, p. 138). It also discusses issues raised by any state (*negeri*) governments, state (*negeri*) religious councils, or any members of the council (JAKIM, 2014a). MKI is also responsible for creating and developing other federal Islamic institutions,[43] the major one being YADIM (Yayasan Dakwan Islamiah

41 Although official sources say that MKI was the Council of Rulers' initiative, there is a possibility that it is the Alliance government under Tunku Abdul Rahman that recommended it to the rulers. In 1968, the Alliance's position was threatened by PAS.

42 I shall refer to this body as the JKF-MKI in this book.

43 The minor institutions MKI helped developed are INDAH (Institusi Dakwah dan Latihan Islam or Dakwah Institution and Training); Maktab Perguruan Islam Malaysia (Islamic Teachers Training College); Sekolah Menegah Agama di Sarawak (Sarawak Religious Secondary School);

Malaysia or Islamic Da'wah Foundation Malaysia). Formed in 1974, YADIM is responsible for co-ordinating dakwah activities for the whole country.

In 1970, the federal government, with the Council or Rulers' consent, established the JKF-MKI, to act as a fatwa-making body within the MKI. The committee convened its first meeting from 23 to 24 June 1970. Its primary role was to consider, decide, and issue fatwas on Islamic matters as requested by the Council of Rulers. The JKF-MKI can issue fatwas in two ways. The first is through Mesyuarat JKF-MKI (JKF-MKI Meetings). Fatwas issued through this forum are mainly in response to queries by the Council of Rulers. After these queries are discussed, they will be presented to the Council of Rulers. Once the rulers give their assent, the fatwas will be presented to the state (*negeri*) religious councils. Members of the state (*negeri*) councils cannot alter the wordings of fatwas issued through the Mesyuarat JKF-MKI; they can only recommend to their ruler whether the fatwas should be gazetted or not (JAKIM, 2014b).

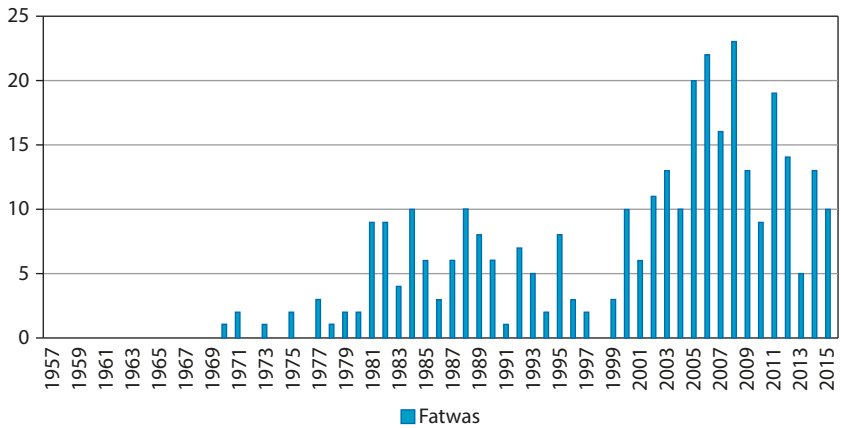
Abdul Monir (1998, p. 139) observed that the Mesyuarat JKF-MKI is rarely conducted compared to the second way JKF-MKI issues fatwas, the Muzakarah Fatwa Kebangsaan or National Fatwa Discussion. The JKF-MKI convenes this discussion at least six times in a year. The Council of Rulers, however, can initiate special sessions. This forum responds to public or NGO queries that the JKF-MKI feels require fatwas. The members of this discussion can also initiate the topics to be discussed. Kelantan Mufti Mohamad Shukri remarked that "[w]e [muftis] adopted a more proactive approach. Even though we are not asked to issue fatwas, we will still discuss in the Fatwa Commission, or conduct research on the matter."[44] Fatwas issued through the Muzakarah Fatwa Kebangsaan will then be presented to the Council of Rulers through the MKI. Once the rulers' assent is given, the state (*negeri*) religious councils will then discuss whether the fatwas require any amendments. Unlike fatwas issued through the Mesyuarat JKF-MKI, the state (*negeri*) councils can choose whether to gazette fatwas issued though the Muzakarah Fatwa Kebangsaan.[45]

Pusat Penyelidikan Islam (Islamic Research Centre); Maahad Tahfiz al-Quran Wal Qiraat (Quranic Centre); and LEPAI (Lembaga Penyelaras Pelajaran dan Pendidikan Agama Islam or Council for Standardisation of Islamic Teaching and Education).

44 Interview with Dato' Haji Mohamad Shukri Bin Mohamad, 7 April 2013. The Kelantan Mufti suggested anecdotally UMNO leaders had once sought to persuade him to issue a fatwa against the use of Islamic labels for political parties. UMNO hoped to use the fatwa against PAS.

45 Fatwas issued by the JKF-MKI are not binding to Muslims living in Federal Territories. The Federal Territories have their own mufti, religious council MAIWP (Islamic Religious Council for Federal Territories or Majlis Agama Islam Wilayah Persekutuan) and religious department (JAWI).

**Figure 2 Fatwas issued by the JKF-MKI from 1970 to 2015**




Source: This data is compiled from JAKIM, 2015.

Figure 2 shows the number of fatwas issued by the committee annually from 1957 to 2015. It depicts the committee becoming active issuing fatwas after Mahathir became prime minister in 1981.

The committee became even more active after Abdullah Badawi became prime minister in 2003. The JKF-MKI fatwas increased from an average of six per year during the Mahathir government to an average of 17 per year during the six years of the Abdullah Badawi government. There were 131 JKF-MKI fatwas during the 21 years of Mahathir's reign, and 104 fatwas issued during the six years of Abdullah Badawi's government. On average, the number of fatwas issued by the JKF-MKI tripled after Mahathir's retirement in 2003. This is yet the strongest indication that the religious elite has been more active in issuing fatwa after the Mahathir government – known for its strong-hand governing style.

## Structure

JKF-MKI is the fatwa-making committee under the MKI. Its membership is made up of ulama, whereas the MKI is made up of ulama, politicians and civil servants. MKI comprises a chairman, vice-chairman, and representatives from the state (*negeri*). The state (*negeri*) representatives include chief ministers, Exco (Executive Committee) members in charge of Islamic matters, and representatives from religious councils and departments. The Council of

Rulers also appoints five other members for a three-year term to the council. Since MKI's inception, the prime minister automatically sits as its chair.

The Council of Rulers must approve all appointments to the JKF-MKI, though it is almost certain that all 14 muftis – from 13 states (*negeri*) and the Federal Territory – will be appointed as members. This is because the state (*negeri*) muftis are themselves either appointed by their respective ruler or the Malaysian king, and hence they represent their respective states (*negeri*) in the JKF-MKI. The other members of the JKF-MKI consist of a chairman, a secretary, nine Islamic "experts," and a representative from the legal profession (Arik Sanusi, 2010; Othman, 1981). The members of the committee then elect a chairman. The current chairman of the JKF-MKI is Tan Sri Dato' Abdul Shukor Haji Husin, the former vice-chancellor of USIM (Universiti Sains Islam Malaysia or Malaysian Islam and Science University). Though Abdul Shukor had occupied many important positions in JAKIM and IKIM, he has never been a state (*negeri*) mufti.

Bureaucrats, academics, economists and scientists fill the remaining 11 positions of the JKF-MKI. The JAKIM director automatically acts as the committee's secretary. The current secretary of the JKF-MKI is Othman Mustafa. The current committee includes ulama such as Ghazali Abdul Rahman (shariah expert); Abdul Hayei Shukur; Zakaria Stapa (professor of Islamic studies in UM); and Paizah Ismail. It also includes a chemist and an Islamic finance consultant (JAKIM, 2014b). These members are appointed to provide input on matters pertaining to shariah economics, halal products, and medical-related issues.

### Federal-state (*negeri*) relations

Ulama from federal Islamic institutions JAKIM and IKIM conduct regular meetings with their counterparts from the state (*negeri*) religious councils. These meetings normally concern fatwa research. For example, between 16 and 17 May 2012, JAKIM hosted a dialogue between JKF-MKI and the various state (*negeri*) fatwa departments. The objective of the discussion was to understand issues facing the state (*negeri*) councils whether these issues require the attention of the JKF-MKI. Between 20 and 22 May 2012, JAKIM hosted the 8th Persidangan Mufti-Mufti Seluruh Malaysia (Conference of Malaysian Muftis) to discuss how state (*negeri*) fatwa councils could be better co-ordinated (JAKIM, 2012b, p. 25). All Malaysian muftis and deputy muftis attended the conference.

However, in terms of fatwa enforcement, the state (*negeri*) religious councils are more powerful than the federal institutions. When a state

(*negeri*) religious council (Majlis Agama Islam Negeri) issues a fatwa and the fatwa is published in the state (*negeri*) gazette, it is legally binding on all Muslims living in that state (*negeri*) (Mahamad Naser, 2011, p. 100). For fatwas to be gazetted, they do not go through the legislative process; it is mainly at the ruler's discretion. Unlike other legislation, in which bills have to be presented, debated, and passed through the state (*negeri*) legislative assembly, the same does not apply to fatwas. Before 2004, fatwas passed had to undergo similar process as civil laws before they were gazetted (Martinez, 2001, p. 478).[46] In 2004, most states (*negeri*) passed the Shariah Criminal Offences Act/Enactment, where muftis fatwas can carry the force of law without having to go to the parliament or the state (*negeri*) legislative assemblies for debate (Liow, 2009, p. 128). For example, for the states of Terengganu and Selangor, fatwas were gazetted without the approval of the state legislature. A fatwa issued by the Jabatan Mufti (Department of the Mufti) was discussed and amended by the Majlis Agama Islam dan Adat Istiadat Melayu Terengganu (Religious Council of Terengganu), and then gazetted (Jabatan Mufti Negeri Terengganu, 2013). According to Section 48 of the Administration of the Religion of Islam for Selangor, the Religious Council presents fatwas to the ruler for his assent. The council also makes recommendation to the ruler if the fatwas are to be gazetted. Once the ruler has given his assent, the council will inform the state (*negeri*) government to gazette the fatwas (Selangor Enactment, 2003). The Selangor sultan, Sultan Syarafuddin Syah, told Muslims not to criticise fatwas because they were passed by "learned" scholars and the fatwas had his endorsement (Ruban, 2014). The ability of the official ulama to bypass the legislatures is yet another demonstration of how they can influence, shape, and introduce religious enactments without the consent of the sitting government.

Gazetted fatwas are recognised in shariah courts and it is an offence to violate them (Hasnan, 2006). In Perak, Selangor, Malacca, Penang, and Terengganu, both the state (*negeri*) shariah and civil courts recognise fatwas published in the government gazette (Hasnan, 2006, pp. 18-19).[47]

46 According to Martinez, "[t]he Jabatan Agama and the Sharia courts administer Islam in the state. The Menteri Besar, or Chief Minister, who is essentially a federal appointee in BN-controlled states, has to present legislation on Islam to the state legislature and the sultan for enactment. The state legislatures have both Muslims and non-Muslims elected representatives" (Martinez, 2001, p. 478).

47 The religious council is the highest Islamic body for each *negeri* under the Malay rulers. In most *negeris*, the rulers have the discretion to appoint the members of the religious council and the deputy muftis. In *negeris* that do not have a ruler, such as Malacca, the mufti is appointed by the king based on recommendations by the chief minister. However, in Negeri Sembilan, the

This binding nature of fatwas is unusual in the Muslim world. Fatwas are mainly religious opinions issued by Muslim scholars on matters that are not stated in the Quran or Sunnah. Muslims are generally free not to heed fatwas.

Malaysian muftis play an important role in bridging Islamic institutions at the federal and state (*negeri*) levels. The muftis' power base is at the state (*negeri*), but they also play an important role at the JKF-MKI. Their presence and participation at all levels of the fatwa-making process, both at the state (*negeri*) and federal levels, helps synchronise and standardise religious council fatwas. As mentioned, muftis make up more than half of the JKF-MKI. Their role in fatwa-making processes at the state (*negeri*) levels falls into three parts. First, the muftis are ex-officio members of their respective Majlis Agama Islam Negeri. The other members of this council include the chair, deputy chair, legal advisor to the state, state financial officer, and the state police chief.[48] Of all these appointments in the council, society regards the muftis as the most learned scholars of Islamic jurisprudence (*fiqh*). Non-ulama fill some other appointments.

Second, the muftis chair the shariah committees in their respective religious councils. These committees research and draft fatwas before they are discussed at the religious council. Based on the Selangor Enactment (2003), the mufti is the one who presents the committee's fatwas to the council for discussion before they are presented to the ruler. These shariah committees adopt different names in the various states (*negeri*): Jawatankuasa fatwa (Kedah and Terengganu), Jamaah Ulamak (Kelantan) Lujnah Fatwa (Johor), and Jawatankuasa Undang-undang Syarak (Federal Territory). Fatwas drafted by the shariah committees normally get passed by the religious councils (Hasnan, 2006, p. 13). In the case of Terengganu, the shariah committee can even deliver fatwas on "minor" issues without having to go through the religious councils, and get gazetted (Hasnan, 2006, p. 13).

*kerajaan negeri* is more powerful than the ruler in determining religious council appointments. The enactment states that the ruler cannot reject the chief minister's recommendations (Zulkifli, 2008b, p. 16). For the Mufti of the Federal Territories, the king appoints the members of the council based on recommendations by the minister in charge of religious affairs (Hasnan, 2006, p. 6).

48 The chair and deputy chair of the Religious Council can be members of the legislative assembly of the *negeri*, prominent ulama, or civil servants. For the Religious Council in Perak, Majlis Agama Islam dan Adat Melayu Perak (MAIAMP), the members are made up of the *negeri* governments, including Chief Minister Zamry Abdul Kadir, State Secretary Abdul Puhat Mat Nayan, and State Finance Officer Mohd Ghazali Jalal. The council also included members of the Perak legislative assembly and the director of the Religious Department (MAIAMP, 2012).

For Federal Territory, fatwas will obtain inputs from the attorney general before they are gazetted.[49]

Third, the muftis are assisted by their own team of administrators. These administrators work under the mufti departments (*jabatan mufti*). These mufti departments function autonomously from the religious departments (JAIN [Jabatan Agama Islam Negeri or State Islamic Religious Department]). The task of the mufti departments includes responding to any religious queries from the public, conducting research on Islamic knowledge, and determining important dates in the Islamic calendar. Thus, while the rulers are the head of Islam of each state (*negeri*), and fatwas are passed collectively with other religious elites, the contents of fatwas are mostly based on inputs provided by the muftis.

### JAKIM and IKIM

During Mahathir's rule, the state substantially upgraded existing federal Islamic institutions as well as formed new ones when he was in power. The reasons why this happened will be explored in greater detail in Chapter 3, but suffice to say for now that Mahathir was responding to challenges from an Islamist PAS and the rise of *dakwah* groups (Von der Mehden, 2013). Two such institutions that the book will focus on are JAKIM and IKIM. Even though they cannot exercise powers similar to those of the state (*negeri*) religious councils – especially in the realms of fatwa and shariah courts – they support JKF-MKI's administrative, research, and public relations aspects. JAKIM and IKIM raise the public profile of the ulama in JKF-MKI.

The government established JAKIM on 1 January 1997. Before this, JAKIM was known as BAHEIS (Bahagian Hal Ehwal Islam or Islamic Affairs Division) in the Prime Minister's Office (Funston, 2006, p. 55). JAKIM serves as the secretariat for the MKI and its functions can be divided into the following areas: supporting the formulation and standardisation of Islamic law; Islamic coordination and administration; and coordination and development of Islamic education (JAKIM, 2014c). Other JAKIM roles include streamlining and standardising Islamic law throughout the country; streamlining fatwa and implanting compliance; and building well-established Islamic thinking amongst the people (*ummat*) based on ASWJ (Ahlus Sunnah Wal Jamaah or Sunni).

49 Interview with the Mufti of the Federal Territory, Dr Mohamad al-Bakri Zulkifli, 9 March, 2016

The state entrusts JAKIM with the duty of addressing deviations of faith (*akidah*) that threaten national security; making Malaysia the hub of higher learning and research on the Quran and Hadith at the regional and international level; and developing and streamlining the Islamic education management of national religious schools.[50] JAKIM oversees rehabilitation centres for "deviant" Muslims and coordinates NGOs to monitor aberrant teachings such as Shias and Wahhabis (Von der Mehden, 2013). JAKIM has its own fatwa research committees, duplicating the roles played by fatwa-committees in the state (*negeri*). The state (*negeri*) fatwa committees may issue contradictory fatwas, and JAKIM's role is to standardise these fatwas. JAKIM also organises international seminars and conferences, publishes academic journals, and manages television and internet portals (JAKIM, 2011a, pp. 32-40; JAKIM, 2012b).

In addition, JAKIM enhances the prominence of the Malaysian muftis in both the new and traditional media. The fatwas issued jointly by the Jabatan Agama Islam Negeri and the JKF-MKI are published on JAKIM's website. JAKIM also co-ordinates dialogues among muftis which are separate from the Muzakarah JKF-MKI meetings (JAKIM, 2012b, pp. 25-27). The muftis appear on dakwah programmes uploaded on the JAKIM TV portals. The JAKIM website also provided newspaper clippings on any commentaries the muftis or JAKIM officials provided. This webpage, called Senarai Fatwa @Media (Fatwa Lists on Media), features clippings from *Utusan Malaysia*, *Berita Harian*, *Sinar Harian*, *Harian Metro*, *The Star*, and the *New Straits Times*. The newspaper clippings put up on the webpage mainly report on the decisions made by the JKF-MKI. JAKIM also produces religious programmes involving muftis and other official ulama for mainstream television channels: RTM 1, RTM 2, and the Hikmah Channel. The popular programmes involving the official ulama are *Forum Perdana Ehwal Islam* (a forum featuring three panellists) and *Bicara Mufti* (A dialogue with muftis).

JAKIM also has authority over Malaysia's big mosques – the National Mosque (Masjid Negara), Masjid Putrajaya, and Masjid Tunku Mizan Zainal Abidin. The National Mosque has a capacity of 15,000 people whereas Masjid Putrajaya and Masjid Tunku Mizan Zainal Abidin can house 15,000 and 20,000 people, respectively. The National Mosque is symbolic because it hosts important state religious ceremonies – including the prayers for Eidulfitri and Eiduladha – which are also televised live.[51] The Malaysian

50 These functions are quoted from JAKIM's website. See JAKIM (2016).

51 Eidulfitri is marked by the end of the month of Ramadhan. Fasting is the third pillar of Islam. Eiduladha is the celebration related to the Haj ritual, which is the fifth pillar of Islam.

king, prime minister, cabinet ministers, and other dignitaries such as foreign ambassadors join these important ceremonies at the National Mosque.

JAKIM also prepares Friday sermons to be read at the mosques it has authority over and these sermons will be televised live by the mainstream media.[52] It is unlawful for an imam in these mosques to read sermons not issued by JAKIM. Although JAKIM's sermons mostly concern morality, some have a political angle added to them. Imams of the National Mosque have received complaints from the members of the public that the sermons favour UMNO, and there is some truth in these complaints. To illustrate, on 12 April 2013, JAKIM issued a Friday sermon entitled "Fulfilling Promises, Bringing Hope" ("Menepati Janji, Membawa Harapan"). The title (and the contents) of the sermon resembled UMNO's manifesto "Janji Ditepati" for the 13th general election, which was held on 5 May 2013.[53]

Apart from JAKIM, IKIM is also an important federal Islamic institution because it hosts regular discussions with muftis and JAKIM officials.[54] Established on 18 February 1992, IKIM's main function is to develop better Islamic understanding through research, publications, and conferences. IKIM's vision is to be an institution of excellence in the planning and execution of organised programmes and in raising Islamic awareness. Its aims are to promote the universal values of Islam among both Muslims and non-Muslims (IKIM, 2012). Von der Mehden (2013), however, sees IKIM as an intellectual vehicle for the UMNO interpretation of Islam as it falls directly under the authority of the Prime Minister's Office. IKIM runs radio stations, such as IKIM.fm, which features "Islamic" programmes and entertainment. IKIM also facilitates discussions among official ulama towards standardising fatwas across the religious councils (IKIM, 2012). The institute has a role to provide better understanding of religion, though it admits that members do not have the stature of the muftis because they are not members of the religious councils of each state (*negeri*). IKIM does not come up with fatwas, but oversees the religious media, including radio and newspapers.[55] The government set up IKIM to correct the wrong interpretation of Islam

52 Interview with Azhar Tuarno, Deputy Director, Imam of the National Mosque of Malaysia, 18 April 2013.

53 Another sermon on 29 November 2013 was given the title "Shia Virus" ("Virus Syiah"). This too has a political slant to it. Throughout the 2013 election campaign, UMNO members were accusing PAS of promoting Shiism (Norshahril, 2014, p. 363).

54 Interview with Dr Wan Azhar Wan Ahmad, Director for the Study of Shariah, Law and Politics, IKIM, 7 May 2013.

55 Interview with Dr Wan Azhar Wan Ahmad, 7 May 2013.

without the use of force.[56] The creation of institutions such as JAKIM and IKIM to support the MKI shows how Malaysian official ulama institutions are better co-ordinated than Indonesia's.

The above discussion demonstrates how the role of JKF-MKI was reinforced by Mahathir's Islamisation drive of the 1980s and 1990s. As will be discussed in the next chapter, Mahathir undertook Islamisation to contain the growth of Islamic resurgence. JAKIM and IKIM, among the other institutions established by Mahathir, aimed to co-opt the ulama to support UMNO. JAKIM provides the muftis with alternative platforms to influence the state's policies and society, apart from the platforms available to them by the state (*negeri*) religious councils. In addition, JAKIM and IKIM portray the JKF-MKI's fatwas as "consensus" among Malaysian muftis and act as advisors to the Malaysian king, the Council of rulers, the federal government, and the federal courts (Arik Sanusi, 2010, p. 77). They organise meetings and conferences to synchronise state (*negeri*) religious council fatwas. JKF-MKI members and representatives from the state (*negeri*) attend these meetings. In Islamic jurisprudence, a consensus on a religious issue is accepted as the third source of Islamic law after the Quran and Sunnah.

## Are MUI and MKI comparable?

Undeniably, the official ulama institutions in the two countries have many differences. The preceding sections show that MUI and MKI (especially JKF-MKI) have different origins, membership compositions, and levels of state funding. MKI was formed as a Malaysian government initiative with the support of the Council of Rulers. MUI, on the other hand, was solely the Suharto government's brainchild. Politicians play an important part in the MKI, while in MUI, the ulama make up the majority of members. During the New Order period, politicians also occupied important positions in MUI though this is no longer the case in the post-New Order period. The Malaysian state also equipped JKF-MKI with effective supporting institutions JAKIM and IKIM, while MUI has to source most of its funds externally of the state.

Despite these differences, I argue that MUI and MKI also have many similarities that make the two institutions comparable. The aspects I am comparing will help answer the book's central questions on capture and

56 Interview with Tun Dr Mahathir Mohamed, 4 March 2016.

co-optation dynamics. First, both MUI and MKI are Islamic institutions that host their country's national fatwa-making bodies. Unlike in many other Islamic countries such as Saudi Arabia, Egypt, Turkey, and Brunei, Indonesia does not have a grand mufti. While there are many muftis in Malaysia, fatwas at the national level are issued collectively by the JKF-MKI members. Thus, the fatwa bodies in MUI and MKI replace the role played by grand muftis in other Islamic countries. Comparing these fatwa-making bodies is useful because official ulama use them as vehicles to dominate religious debates. Fatwas serve as one of the important tools for state capture.

Second, members of these two institutions claim to represent the various Islamic groups or communities of their respective countries. They also claim that opinions issued through these platforms signify the consensus of ulama in their respective countries. MUI ulama claim to represent their ormas. Indeed, they claim that MUI is a "big tent" representing all the major ormas in Indonesia. According to the MUI secretary, Isa Anshary, "MUI's chairman and vice-chairman are from NU and Muhammadiyah. So, MUI is the umbrella organisation for all organisations in Indonesia. We serve as a platform for discussion. MUI is a platform on which ulama and intellectuals discuss issues."[57] Similarly, MKI has representation of the muftis from the various state (*negeri*). All 14 Malaysian muftis participate in the JKF-MKI. According to Kelantan mufti Mohammad Shukri, the JKF-MKI gives this single opinion that reduces the possibility of any tension within the religious community. He said, "We [in the MKI] don't want a small country such as Malaysia to have too many [different] opinions on a single issue."[58] His attitude is different from Islam's position, which holds that difference of opinion is a norm.

Therefore, although representation is manifest differently in MUI and MKI, the ulama who participate in them would point out that their fatwas represent consensus of the various religious authorities in Indonesian and Malaysian society. How is this claim relevant in our analysis of capture and co-optation dynamics? The official ulama use the notion of "consensus" to deter rival ulama from claiming religious authority. In Islamic jurisprudence,

57 Interview with Isa Anshary, 6 December 2012.

58 Interview with Mohammad Shukri, 7 April 2013. Mohammad Shukri, however, commented that most of the local issues are discussed at the local level, and not many of these issues are brought to the JKF-MKI. In some instances, the JKF-MKI did adopt some of the issues raised by the *negeri* religious councils. For example, the Religious Council in Kelantan discussed whether marriage solemnisation through video calls is permissible. This issue was taken up to the JKF-MKI.

consensus among Muslim scholars (or ijtima') is the third source of Islamic law after the Quran and the prophet's Sunnah. Ulama will first find rulings from the Quran and Sunnah, and if no clear verses exist, they will quote from the majority opinions of past religious scholars. Also, with unity, they can make stronger demands on the state, which later translate into other capture objectives such as affecting distribution of resources, influencing appointments, and dominating the discourse.

Third, both institutions were formed at around the same period and were later used for similar political purposes by their respective leaders. In Indonesia, Suharto declared his intention to form MUI in 1970, though it was only formed in 1975 (Departemen Penerangan R. I., 1985, p. 15). In Malaysia, the MKI was formed in 1968 and the JKF-MKI in 1970. MKI was formed under a relatively open government led by Tunku Abdul Rahman, while MUI under the authoritarian New Order regime. However, by the 1980s, both Indonesian and Malaysian states were using the two institutions for similar purposes. These institutions were made to suit Suharto's and Mahathir's authoritarian, industrialisation, and Islamic agendas.

Fourth, I will be comparing departments within MUI and MKI that carry out similar roles and functions. The book focuses on two to three departments within the two institutions that undertake comparable activities. One, I will compare the prominent leaders of the two institutions. For MUI, they are members of the Leadership Board while for JKF-MKI, they are muftis, JAKIM, and IKIM leaders. Two, the fatwa bodies within the two institutions will be examined. For MUI, I will focus on the Fatwa Commission; and for MKI, the JKF-MKI. Three, I will compare departments that oversee shariah economics and halal certification. Hence for MUI, I will examine DSN-MUI and LPPOM-MUI; and for MKI, JAKIM and IKIM. Four, I am comparing departments that help fatwa research. The MUI Fatwa Commission undertakes most of its own research with the help of its research commission. In contrast, JAKIM and IKIM assisted the JKF-MKI and state (*negeri*) religious departments for fatwa research, and in conducting seminars and conferences. Table 1 sums which the bodies within MUI and MKI are responsible for fatwa-making, fatwa research, shariah economics, halal certification. These bodies are selected so that aspects of comparisons are standardised.

**Table 1 Comparing MUI and MKI**

| Aspects of Comparison | MUI | MKI |
|---|---|---|
| Personalities | Members of MUI Leadership Board | Muftis and JAKIM leaders |
| Fatwa-making body | MUI Fatwa Commission | JKF-MKI |
| Fatwa research | | |
| Shariah economics | DSN-MUI | JAKIM and IKIM |
| Halal certification | LPPOM-MUI | |

In the next chapter, I will discuss the political and social context of their formation. Suharto and Mahathir devised co-optation strategies – which ulama institutions are part of – to manage the Islamic resurgence movement as well as religious cleavages in their societies. This core issue will be discussed in Chapters 4 and 5 where I examine their ability to capture their respective states. State capture exists at the local levels, and based on existing works, the further the social actors function from the centre, the higher the degree of capture. This book examines capture in the states' capital cities.

# 3 The Rise in Piety and the Roots of State Co-optation of the Ulama

From the 1970s, there was a rise in piety among Muslims in Indonesia and Malaysia. Scholars attributed this phenomenon to the Islamic resurgence movement, which strived to strengthen Islam in all aspects of life (Chandra, 1987, p. 2). During this period, Suharto was already Indonesia's president, and Malaysia was under the leaderships of Abdul Razak Hussein (1971-1976) and Hussein Onn (1976-1981). By the time Mahathir was appointed as Malaysia's prime minister in 1981, the Islamic resurgence movement had grown greatly in size and influence.

One of the strategies adopted by Suharto and Mahathir in dealing with the rise of piety among their citizens was to systematically co-opt ulama and Muslim intellectuals into state-sponsored institutions in order to contain and draw the Muslim resurgence movement to their political cause. The two leaders feared that the ulama and the intellectuals could attract a mass following, galvanising Islamic political parties to challenge the government. They were also concerned that the movement's demands, which included an Islamic state and shariah laws among other things, could create dangerous tensions in Indonesia's and Malaysia's multi-ethnic and multi-religious societies. The movements were so vocal and organised that Suharto and Mahathir did concede to some aspects of their demands. They initiated major Islamic policies such as establishing Islamic banks, building mosques, elevating the status of Islamic courts, passing shariah-based statutes, and creating the ulama institutions discussed in the previous chapter.

Another reason why Suharto and Mahathir co-opted the ulama and intellectuals was to manage intra-religious divisions in their respective societies. Muslims in Indonesia were in part split between the traditionalists (represented mainly by NU) and modernists (represented largely by Muhammadiyah), with the former being more hostile towards Suharto's agenda.[1] Traditionalists regard Suharto's policies as dividing them. As will be discussed shortly, on the one hand, Suharto primarily designed his co-optation strategy to contain NU. On the other hand, Malaysia in the 1980s witnessed a growing number of ulama inclined to Islamist ideas. These ulama either joined PAS or participated in *dakwah* (the call to spread the message of Islam), and their ideas challenged UMNO's ethnic-based Islam

1 The traditionalists are also represented by groups Nahdlatul Wathon and Washliyah.

and *Ketuanan Melayu* (Malay Supremacy). The two leaders' co-optation strategies serve two purposes: to bridge differences between modernists and traditionalists, and to destabilise Islamic opposition by splitting them further.

This chapter examines the origins of the Islamic resurgence movement, including the international and local factors that led to its emergence. It then examines religious cleavages in both countries. An analysis of Islamic resurgence and religious cleavages is necessary because these two factors contributed to the two leaders' contrasting motivations for co-optation, as well as the methods used to achieve it. As importantly, the ideas championed by the movements mirror the discourse of the contemporary official ulama, their demands of today, and capture modalities – promoting shariah economics, shariah consumption certification, shariah tourism, and shariah entertainment. The chapter will then explore the contrasting ways Suharto and Mahathir managed Islamisation in their respective countries.

## Islamic resurgence: An "Islamic" alternative to Westernisation

To understand the origins of Islamic resurgence in the 1970s, it is necessary to appreciate the factors that gave rise to societal piety in Indonesia and Malaysia. Azhar (2014, p. 35) describes the phenomenon as involving "many unconnected groups of Muslims determined to ensure particular types of Islamic identity and integrity are secured and enhanced in the midst of modern social life."[2] Other terms that have been used to describe the Islamic resurgence are: "re-flowering" of Islam (Nagata, 1984); dakwah movement (Zainah, 1987); Islamism (Ahmad Fauzi, 2008; Bubalo and Fealy, 2005); *tarbiyah* (or Tarbiyah movement) (Ismatu, 2007; Machmudi, 2008); Islamic re-awakening (Stark, 2004); and Islamic revivalism (Azhar, 2014; Hussin, 1993; Schwarz, 1999). The discourse promoted by the Muslim resurgence was largely conservative, and its outward form was *dakwah* organisations.

However, the movements were not a homogenous entity with clear leadership and organisational structure. These dakwah groups were competing with one another and their approach to realise their grand Islamic alternative vision differed widely. Some pushed strongly for the establishment of an Islamic state, while others called for the formation of new Islamic institutions and mosques; revision of existing laws deemed "secular"; promotion of dakwah to raise personal piety and spirituality;

2 Azhar used the term *Islamic revivalism* to describe the phenomenon.

creation of business enterprises in the name of Islam; or a combination of the foregoing. These ideas later penetrated the political parties, ormas (civil organisations), and campus student groups. The book defines groups championing for an Islamic state and the implementation of shariah laws as the Islamist stream of the movement. Some scholars would use terms "fundamentalist" or "utopianist" (Shaharuddin, 2005). Liow (2009), however, argues that Islamists are differentiated from fundamentalists even though both groups desire to return to the "golden age" of Islam. He argues that Islamism is political in nature while fundamentalism is not necessarily so (p. 6). The book applies the term *Islamism* to describe groups that desire an Islamic state and comprehensive implementation of shariah law.

## Global factors

The Islamic resurgence movement resulted from a general sense of "victimhood" that originated in the following historical episodes: the fall of the Ottoman Caliphate in the 1920s; the First and Second World Wars; the creation of the state of Israel in 1948; and the invasions of superpowers into Muslim lands during the Cold War (1945-1991). In 1923, the last Islamic caliphate, the Ottoman Empire, collapsed. Some Muslims felt that the problems facing the Islamic world were exacerbated in 1948 when the state of Israel was created. The resurgence movement saw the creation of Israel as an encroachment on Jerusalem, Islam's third holiest city. In 1967, the Israeli army extended its control to include the Golan Heights, Mount Sinai, and the West Bank in Palestine after defeating Egypt, Jordan, and Syria in the Six-Day War. Throughout the Cold War (1947-1991), the resurgence movement was never convinced that the United States and the Soviet Union were earnest in resolving the problems of the Islamic world. In 1979, they were incensed and outraged when the Soviet Union invaded Afghanistan. This invasion triggered an exodus of Muslim jihadi fighters, including those from Indonesia and Malaysia, to Afghanistan.[3] In 1990, the US invaded Iraq in the First Gulf War. This invasion further fanned the movement's anger towards the West. It follows then that perceptions of "Western conspiracy" towards Islam were constantly repeated in the resurgence movement's discourse throughout the Islamic world (Bubalo and Fealy, 2005).

3 In fact, these experienced freedom fighters came back to Southeast Asia and participated in terrorist networks such as the JI (Jemaah Islamiah) in the 1990s. There is a vast amount of literature and field of study that examine the issue of terrorism in Southeast Asia that this book does not seek to discuss. For instance, see Bubalo and Fealy, 2005.

Nevertheless, the Iranian Revolution in 1979 gave the movement hope. Ayatollah Khomeini, a 77-year-old Shia cleric, led a revolution that toppled Mohammad Reza Pahlavi, the Shah (King) of Iran and a staunch supporter of the US. The movement was inspired by the fact that an ulama could be the agent of change and social revolution. As the revolution unfolded, some Malaysian and Indonesian Muslims went to Iran to see first-hand the political developments in this country.[4] They went there to learn more about Shia dakwah programmes, and brought back Shia reading materials, including the Shia Quranic exegesis *Tafsir Tabataba-I*. The Iranian Revolution later inspired the ulama to take control of PAS in the 1980s. Yusof Rawa, who was president of the PAS at that time, acknowledged the significance of the Iranian Revolution to PAS's struggle from the 1980s onwards. He saw the Iranian ulama as representing the grievances of his people and wanted the PAS ulama to emulate their struggle (Liow, 2009, p. 34).[5] Azyumardi (2005, p. 8) also states that since the revolution, a number of Indonesian students became interested in learning about Shiism, even though they did not necessarily convert to the sect. They travelled to Iran and brought back reading materials about it.

The Islamic resurgence movement struggled for the creation of an alternative Islamic political, social, and economic order based on the Quranic verse "Islam as a way of life" or "Islam as *Ad-Deen*." The movement hoped that their struggle would lead to the formation of an Islamic state, the establishment of Islamic banking and finance, the introduction of Islamic systems and institutions, and the promulgation of Islamic arts and culture.[6] The movement also called on Muslims to adopt an all-inclusive commitment to their faith. The resurgence discourse was filled with anti-Western rhetoric, which later often led to exclusivist and anti-pluralistic orientations, such as denying the rights of religious minorities to practise their faith freely. Their call for an alternative Islamic society was extended to aspects such as attire, hobbies, and habits. Many Muslim youths expressed their unhappiness with Western pop music, dancers, drama, and films, which were regarded as "promoting decadent indulgences" (Chandra, 1987, p. 4).

4 Interview with Syeikh Abdul Halim Abdul Kadir, Patron of the Persatuan Ulama Malaysia (PUM) and former Mufti of Terengganu, 26 December 2012.

5 A section of PAS members were accused as Shias (Norshahril, 2014, p. 363).

6 These demands will be clearly showcased in Chapters 4 and 5 as part of the capture aims by the official ulama.

Besides Iran, the resurgence movement in Indonesia and Malaysia also looked at how dakwah was organised in other Islamic countries in the Middle East. Indonesian and Malaysian dakwah groups established ties with the Muslim Brotherhood in Egypt; the Jamaat Tabligh (or Tabligh movement) in India; and Jamaat Islami in Pakistan. The Muslim Brotherhood was the most widely followed and the dakwah groups in Indonesia and Malaysia copied aspects of its organisation, social welfare programmes and other economic activities. They were also attracted to the Muslim Brotherhood's involvement in building mosques, schools, and medical clinics (Bubalo and Fealy, 2005, p. 14). The writings of two Muslim Brotherhood ideologues, Hassan Al-Banna (1906-1949) and Syed Qutb (1906-1966), were widely circulated among the resurgence circles, especially in university campuses. The Muslim Brotherhood was so influential that Islamic study groups in Indonesia, also known as the Tarbiyah, modelled their movement after it. The Tarbiyah was interested in moulding the Muslim community back to the original Islamic sources, and "perfecting" the Muslims' individual character (Machmudi, 2008). These Tarbiyah groups later helped to establish an Islamist political party in 1998, called Partai Keadilan (PK). In 2002, the party was rebranded as the PKS (Partai Keadilan Sejahtera or Prosperous Justice Party) (Van Bruinessen, 2013, p. 29).

**Local factors**

Local political and social developments in Indonesia and Malaysia also contributed to the rise of Islamic resurgence. First, the movement had to be understood as a post-colonial phenomenon. Citizens in both countries, especially the Muslims, wished to assert their identity, which was, to some degree, subjugated during the Western colonial rule. According to Chandra (2002, p. 219), during the Islamic resurgence period, the dakwah groups called on Malaysians to establish a "unique" civilisation that rejected Western domination and control. He also recalled how Muslims displayed their commitment towards Islam by sticking on their cars' windscreens labels that said the "Quran is the answer, Islam is the best, and Islam is all encompassing."

Second, citizens from both countries were recovering from major conflicts and facing several nation-building challenges. In the 1970s, Malaysia was just recuperating from the bloody 13 May 1969 racial riots. The Malays and other *Bumiputeras* (members of indigenous communities) continued to form a large part of the underclass. Comparably, Indonesia too was facing its own set of nation-building challenges. The country was recovering from a

leadership transition after a failed military coup in 1965, which later saw the purging of half a million Indonesians deemed to be communist supporters. In addition, the Suharto government also had to deal with widespread rebellions and insurgents. Suharto was committed to reuniting a diverse nation after all the conflicts that arose during Sukarno's rule (1949-1966).[7] Under Suharto, the New Order was also confronted by GAM (Gerakan Aceh Merdeka or Free Aceh Movement), an independence struggle to separate Aceh from Indonesia.

Third, Suharto's and Mahathir's industrialisation and foreign policies also contributed to the resurgence movement's anti-Western sentiments and desire to create an Islamic alternative to the West. Both leaders wanted to strengthen their ties with the Asian economic powerhouses such as South Korea and Japan. By the 1980s, the economies of both countries shifted from agricultural and import substitution to export-oriented. In the 1990s, Mahathir introduced the "Look East Policy" and was active in the Asian Values debate. This discourse contributed to the dichotomous outlook of East versus West debate.

Fourth, Islamic resurgence occurred within the context of Indonesia's and Malaysia's rapid economic growth and urbanisation. Both Suharto and Mahathir brought immense economic progress to their respective countries. Under Suharto, Indonesia experienced significant reduction of poverty and saw a marked improvement in infrastructure and health and medical services, which gave rise to the emergence of a strong middle class (Aspinall and Fealy, 2010, p. 5). For three decades (1967-1981), Indonesia's economy grew on average 8 per cent per annum (Booth, 2016, p. 66). The same can be said about Mahathir's contribution to Malaysia's economy. Mahathir's industrialisation drive in the 1980s elevated Malaysia to be one of Asia's emerging economies in the 1990s. Malaysia's GDP growth was at high levels of 9.5 per cent in 1995 and 8.2 per cent in 1996, before the 1997 Asian financial crisis (Milne and Mauzy, 1999, p. 74).

Indonesia's and Malaysia's economic growth resulted in the creation of new aspirations, habits, and consumption patterns. It also led to rapid urbanisation and the expansion of the new Muslim middle-class. Workers and students from the villages migrated to the urban areas seeking

7 One of them was the Darul Islam rebellion, which took place in different parts of Indonesia and in some instances was not related to one another. The rebellion in West Jawa was led by Kartosuwirjo, who declared West Jawa as an Islamic state. In South Sulawesi, an army rebel, Kahar Muzakkar, led a rebellion and joined the Darul Islam movement in 1951. In Aceh, there was the Darul Islam rebellion, which was separatist in nature. The Aceh Darul Islam movement was led by Daud Beureur'eh.

employment and education, respectively. Urbanisation uprooted these villagers, forcing them to leave their communities and adapt to modern social lifestyles. The adjustments these villagers had to make also created a sense of insecurity among them and they saw religion as a panacea to this spiritual emptiness. This explains why Islamic resurgence discourse had the greatest impact in the urban cities such as Jakarta, Bandung, and Kuala Lumpur. In Indonesia, the ITB (Bandung Institute of Technology) which is located in Bandung, became the centre of dakwah activities. ITB students later relocated their dakwah activities to the Salman Mosque after Suharto banned all forms of political activity on campuses (Schwarz, 1999, p. 174). According to Vatikiotis (1998, p. 129), places such as the Salman Mosque became the ground for the expression of "political dissatisfaction and frustration." Activities at the Salman Mosque included discussions of serious issues centring on Muslim development and Islam's place in it. The resurgence movement also utilised pop culture in their preaching to attract youths to join their ranks (Hefner, 2000, p. 123). Similarly, in Malaysia, university campuses in Kuala Lumpur, such as UM (University of Malaya) and UKM (National University of Malaysia) became the centre of dakwah activities. The cohort that graduated from these Indonesian and Malaysian universities were later appointed in key positions in the state.

## Dakwah groups and their ideologues

The resurgence period saw the proliferation of dakwah groups and charismatic leaders. Those groups and leaders aligned to the state's ideology were invited to participate in the state's co-optation institutions. Conversely, leaders and organisations who were hostile to the state's ideology were either pressured to conform or faced marginalisation or banning. In Malaysia, one such banned organisation was the Darul Arqam movement led by Ustaz Ashaari Muhammad (1937-2010). Ashaari's views were largely anti-Western and he went so far as to call for Western philosophies such as communism, socialism, and capitalism to be countered and defeated (Ahmad Fauzi, 2005; Ashaari, 1990, p. 74).[8] For Darul Arqam members, the desire to live in an Islamic way of life extended to the realm of culture and family life. For instance, Darul Arqam

8 The differences in theology coloured state-Darul Arqam relations in the 1990s, which eventually led to the latter's banning. Although the Malaysian government portrayed the ideas and manners that Darul Arqam were striving for as antithetical to modern life, the government did not condemn Darul Arqam's underlying philosophy to create an Islamic alternative to the Western way of life. For an account of the ideological differences between the government and Darul Arqam, see Ahmad Fauzi, 2005.

women wore the *niqab*, a black dress or gown which covers the whole body except the eyes and hands (Camroax, 1996); while the men wore the *jubbah* (an Arab garment similar to a robe) and pony-tailed skull cap (Norshahril, 2012a). At its peak, the movement had a membership of 10,000 (Camroax, 1996). In 1994, the government banned the movement and detained Ashaari. The movement subsequently split into several smaller groups; some members went on to become notable university academics while others ventured into businesses (such as Rufaqa Corporation Sdn Bhd) or became recording artists, singers, and musicians in Islamic boy bands such as Raihan and Rabbani. In June 2011, former women members of the movement formed the Obedient Wives Club, which advocates that having more filial and devoted wives could reduce marital problems, infidelity, and domestic violence. These splinter groups demonstrated how Ashaari's enthusiasm to create an "Islamic alternative" has remained strong among Darul Arqam's former members.

Besides Ashaari, another key ideologue of the Malaysian resurgence movement was Professor Naquib Al-Attas. ABIM members considered Al-Attas as their mentor. Compared to Ashaari, Al-Attas had fewer followers, but his writings continue to be read by undergraduate students. In the 1980s, Al-Attas was the dean of the Faculty of Arts at UM (Norshahril, 2012a; Zainah, 1987). It is during this period that he mentored campus dakwah leaders, and one of whom was Anwar Ibrahim. Anwar, former president of ABIM, later became Malaysia's deputy prime minister. Siddiq Fadhil, ABIM's president after Anwar, confirmed Al-Attas's role in mentoring dakwah leaders:

> I have to admit that I benefitted much by studying under Professor Syed Naquib Al-Attas. A lot of new things I have learnt and they include the role of Islam in Malay history and Malay culture. I really became enlightened. The role of Islam is often belittled by the Orientalists because they wanted to highlight the role of the West. So Islam's role is seen as less important, even though Islam builds the Malay race, not the West. The West came later, but it did not build the Malay identity. Apart from this, there are other issues such as contemporary thought, secularism, and education. These things enlightened me.[9]

Al-Attas often generously hosted students for discussions at his office or home. His most important contribution was his book *Islam and Secularism*. Published in 1978, it called on Muslims to "de-Westernise knowledge"

9 Interview with Dato' Dr Siddiq Fadzil, President of Kolej Daral al-Hikmah, 24 April 2013. He was also the former president of ABIM from 1982 to 1991.

(Al-Attas, 1978). Al-Attas portrayed the West as a "civilisation in decline, materialistic and this-worldly." Moreover, he regarded Western thought and philosophy as conflicting with Islamic thought. Being Al-Attas's student, Siddiq's writings in the 1980s expressed the same distrust towards Western institutions and knowledge. According to Siddiq,

> Under the Western secular laws, the world is getting less safe. It's about time the world accepts Islamic laws in order to recover peace and human civilisation [...] Islamic laws not only punish, but they are educative in nature. Islamic laws are equipped with moral values, unlike secular laws, which are devoid of morality to the extent that there can be a situation where one's deed is legally right but morally wrong. The implementation of Islamic laws will facilitate a more substantive Islamisation process which forms the basis for human transformation in building an *ummat* in realising Islamisation. (Siddiq, 1989, pp. 160-162)

Al-Attas's ideas have been construed later by his students to promote the Islamisation of the economy through Islamic finances, banking, and insurance, as well as the Islamisation of the state, law, and education (Norshahril, 2012a).

While Al-Attas acted as an ideologue for Malaysian dakwah activism, Imaduddin Abdul Rahim was his counterpart in Indonesia. An engineering lecturer from the ITB, in the 1970s Imaduddin taught at the Universiti Teknologi Malaysia (Malaysian Technological University or UTM). There he was exposed to the teachings of the Muslim Brotherhood. He also conducted a series of small discussion groups on Malaysian campuses on how youths could lead an Islamic way of life and follow the teachings of the Quran. Imaduddin's presence in Malaysia facilitated the exchange of ideas between university students from the two countries. Imaduddin helped to establish a strong network between ABIM and the HMI (Himpunan Mahasiswa Islam or Muslim Tertiary Students Association) in Indonesia. ABIM organised many student exchange programmes to universities in Jakarta and Bandung, where they learnt from the Indonesians how to transform ideas and thoughts into action.

During this period, the Tarbiyah members in Indonesia felt they were making a new world and the Quran and Sunnah could provide the answers to the predicaments of Muslims. They were convinced that Islam could make Indonesia a better place. The movement gained strength in the early 1980s among university students, in the context of a state ban on all forms of political activities on campuses. Members of the movement would divide

themselves into groups of five to ten people and conduct prayers, *zikir* (remembrance of good), and Quran recitation together. As the movement expanded, followers would conduct frequent meetings from house to house, where an ulama delivered a lecture (Ismatu, 2007, pp. 131-132).

In the mid-1980s, the Indonesian state formed the LDK (Lembaga Dakwah Kampus or Campus Dakwah Body) to oversee Islamic societies in campuses such as Salman ITB (Bandung Institute of Technology). The well-organised Tarbiyah movement dominated the body, which gave its members access to the state. Modelling the organisation after the Islamic Brotherhood, the Tarbiyah laid down several key tenets of the movement. Primarily, it declared that only a return to the model of the Prophet Muhammad and his disciples would ensure Indonesian Muslims progress. Followers were encouraged to carry out religious rituals such as prayers, fasting, and Quranic recitation: to strengthen one's belief; to request the state to build institutions in line with Islamic principles; to build economic infrastructure in line with Islamic teachings, and to foster a strong sense of Islamic brotherhood among members (Ismatu, 2007, p. 139). The Tarbiyah movement was less strict compared to Muhammadiyah and Persis – for example, it allowed Sufi rituals which purists would consider innovations in Islam. One Tarbiyah activist, Muslikh Abdul Karim, said that he continued to practice the *tahlilan* (special prayers for the deceased) after joining the movement. Modernist Muslims consider tahlilan un-Islamic because it was not practised during the time of the Prophet. Unlike the HMI members who were active in engaging intellectual discourses, Tarbiyah was more concerned about building a moral individual (*muwassafat*), even though they also discussed works by Hassan Al-Banna, Syed Qutb, and Yusuf Al-Qaradawi (Machmudi, 2008, pp. 63-64).

In short, the Islamic resurgence movement should be understood both as a global and local phenomenon. In grappling with the problems of their respective societies, resurgence groups looked to organisations from the Middle East for inspiration. While the Iranian Revolution generated the zeal for change, the Muslim Brotherhood became the model for dakwah organisation. While Mahathir and Suharto co-opted the ulama and intellectuals to contain the movement, both leaders also considered deeply-held religious cleavages in designing their co-optation strategies.

## Religious cleavages in Indonesia and Malaysia

In Indonesia and Malaysia, social cleavages, such divides in society along class, religion, ethnic, geographic, or ideological lines, form the foundations

of political parties, institutions, and associations. Those along religious lines especially informed Suharto's and Mahathir's co-optation strategies, as will be shown below.

## The traditionalist-modernist cleavage in Indonesia

In Indonesia, the main religious cleavage lies between the traditionalists and modernists (Azyumardi, 2005; Fealy and Barton, 1996; Noer, 1973; Suzaina, 1999).[10] Traditionalists maintain that Islam should closely follow the legal opinions and traditions inherited by scholars and savants of the past. They do not deny that texts can be reinterpreted, but believed that the gates of *ijtihad* (independent judgement) have closed, and that opinions of the four classical schools of jurisprudence – Hanbali, Maliki, Hanafi, and Shafii – be adhered to closely. This means that no ijtihad can be carried out after almost a millennium. In Indonesia, the largest traditionalist organisation is NU, which was formed in 1926, with the smaller ones being Nahdlatul Wathon and Washliyah. Modernists, on the other hand, were more cosmopolitan in their religious outlook and placed greater emphasis on independent reasoning. They believed that the Quran and the Sunnah should be constantly interpreted and re-interpreted based on the present context, and not be bounded by the schools of jurisprudence. Indonesian modernists were closely associated with Muhammadiyah, which was founded in 1912. Smaller organisations include Persis (Persatuan Islam Indonesia or Islamic Association Indonesia) and Al-Irsyad Al-Islamiah. However, on aspects related to doctrines and rituals, Muhammadiyah members are conservatives (Azyumardi, 2005, p. 15). They questioned prevalent religious practices associated with the traditionalists such as idol worship, mysticism, and innovations (*bid'ah*), which were seen as deviating from Islam's monotheism.

The traditionalists and modernists have converged in many areas, including matters on religious rituals and jurisprudence (Barton, 1995). NU and Muhammadiyah members have overcome differences on rituals in prayers, gravesite visits, and communal feasting (*selamatan*).[11] Nevertheless, clashes continue, especially during times of political crisis. Bush (2009) reckons that the traditionalist/modernist cleavage still shapes contemporary

10 The term traditionalism and modernism have been applied differently by some scholars who have used these terms to distinguish thought styles. See Noor Aisha, 2004.

11 These views were expressed by both NU and Muhammadiyah members in MUI. They include Amirsyah, Ma'ruf Amin, Isa Anshary, and Akbar Kurniawan.

Indonesian Muslims' public behaviour. Even when given the opportunity to ally themselves with modernist Muslims to combat militancy in the context of post-9/11, NU activists are unable to overcome their deep hostility towards the modernists (Bush, 2009, p. 13). Conversely, some modernists continue to harbour distrust towards NU members.

One area of distrust concerns disagreement over the correct method of determining important holidays and festivals in Islam. Muhammadiyah leaders rely solely of astronomical calculations (*hilal*) whereas NU members followed the traditional sighting of the crescent moon (*ru'yah*) method. In 2007, followers of the two organisations began their fasting (in the month of Ramadhan) and celebrated Eidulfitri (a day commemorating the end of fasting in Islam) on different days. In July 2012, Muhammadiyah boycotted the Istinbat meeting (a meeting with government officials along with NU to determine the date for Eid), because the government insisted on using the ru'yah method (Nadirsyah, 2012, p. 11). In 2013, Muhammadiyah and NU followers again began their fasting on different dates.

This contestation must be placed in the context of Suharto's favouritism towards the modernists; his policies were often directed at weakening the influence of the traditionalists. Ricklefs characterises Suharto's policies as a "modernist-led Islamisation" (Ricklefs, 2012, pp. 185-186).[12] For example, this favouring influenced Suharto's choice of leaders for the Islamic institutions he created, including MUI. Suharto and state officials also intervened NU's internal affairs in order to weaken the organisation. Notable was Suharto's interference in NU's elections at the 1984 MUNAS (Musyawarah Nasional or National Congress). Then NU was split into the "Cipete" and the pro-*Khittah* factions. The former wanted NU to remain as a political party in PPP while the latter, led by Abdurrahman Wahid, wanted NU to cease its involvement in PPP and return to the organisation's founding objectives as a non-political religious organisation. Consistent with his views that Islamic organisations should be politically compliant, Suharto backed the pro-Khittah faction. Abdurrahman's faction won the contest and NU left PPP.

During the 1994 MUNAS, Suharto again sought to exploit NU's internal divisions. This time, Suharto wanted to topple Abdurrahman Wahid for being overly critical of his presidency (Suzaina, 1999, pp. 308-313).[13] He

12 This is not to suggest, however, that Suharto favoured all forms of modernism. He restricted the political role of former Masyumi members who had in the past struggled for an Islamist brand of modernism.

13 Some members of the state, however, supported Abdurrahman Wahid's candidacy. Amongst those who supported Abdurrahman Wahid were State Secretary Moerdiono, Edy Sudrajat, and Try Sutrisno (Suzaina, 1999, p. 309).

backed Abu Hasan, Chalid Mawardi, and Fahmi Syaifuddin, who were Abdurrahman Wahid's challengers for NU's leadership posts. The three formed the Asal Bukan Gus Dur (Anyone Except Gus Dur) camp (Fealy, 1996, p. 261). Suharto's campaign failed, and Abdurrahman Wahid retained his position as NU chairman. Yet, Suharto encouraged Abu Hasan to stage a struggle for the leadership within NU (Barton, 2002, p. 210). Gus Dur's loyalists admitted that Suharto acted as the *dalang* or shadow puppeteer in wanting to oust the NU chairman from power (Suzaina, 1999, pp. 318-319).

The traditionalist-modernists cleavage has also played out in MUI. For example, representatives from each organisation blamed one another for the promulgation of the controversial 2005 SIPILIS (acronym for anti-secularism, pluralism, and liberalism) fatwa. Liberal Indonesian scholars have condemned the fatwa as conservative and embarrassing to MUI. They regarded the fatwa as a step back for a progressive Islamic country such as Indonesia. When the fatwa was issued, Din Syamsuddin was concurrently Muhammadiyah chairman and MUI vice-chairman. The fatwa, however, was signed and endorsed by NU leaders Sahal Mahfudz and Ichwan Sam. In 2005, Sahal concurrently held the positions of NU's Rois Am Syuriyah (President) and MUI chairman. Ichwan Sam, a senior NU leader, was MUI's secretary general then. Muhammadiyah members felt that NU leaders in MUI, and not Din Syamsuddin, should be held accountable for the controversial fatwa, because NU leaders in MUI leadership endorsed the fatwa.[14] On the other hand, NU leaders argue that their organisation should not be implicated for any of MUI's decisions, even though NU's leaders are represented in the institution.[15] All these suggest that the traditionalist-modernist cleavage still exists in modern Indonesia, not so much on theological or grassroots levels, but at the political level by the elites.

In brief, the traditionalist-modernist cleavage played an important role in Suharto's co-optation strategy, and the cleavage continues to exist, at the political levels until today. As will be discussed shortly, Suharto sought to smooth over these cleavages by creating MUI and PPP, and later ICMI. Although it can be interpreted as a noble gesture on Suharto's part, the creation of these institutions was mainly to avert threats to his authority and to shape a community to suit his developmental and political goals. Ultimately, he was also motivated to weaken NU's influence. Moreover, Suharto sought to remove all sources of social tension. His ideal was order and harmony as well as regime control.

14 Interview with Abdul Mu'ti, Secretary, Central Board Muhammadiyah, 7 January 2013.
15 Interview with Imdadun Rahmat, 30 November 2012.

## The rise of Islamism in Malaysia

In Malaysia, Islamic doctrinal contestations between traditionalists and modernists also occur at everyday levels, and they centre around Malay rites and rituals (Norshahril, 2011). Malaysians commonly refer to the traditionalists as Kaum Tua (Old Camp) and the modernists Kaum Muda (Young Camp). Traditionalists are tolerant towards Malay customs or *adat* (traditions and cultural norms), and other religious rituals such as the *maulid* (celebration of the Prophet's birthday), *zikir* (a mass congregation that encompasses chanting), and *ziarah kubur* (visits to the graves of holy persons), while modernists considered these as *bid'ah* or innovations. However, there was no mass movement or ormas comparable to NU and Muhammadiyah in Malaysia to represent traditionalists and modernists, partly because the latter was clamped down under British colonial rule. Yet, there is another significant marker between the two camps in Malaysia: traditionalists were closer to the royal courts, Malay aristocracy, and the conservative Malay elite (in UMNO) than modernists (Farish, 2004, p. 32; Norshahril, 2017),[16] even though the modernists were not necessarily anti-royalty.

From the late 1970s, Malaysia witnessed a rise in Islamist ideas that accentuated the traditionalist-modernist cleavage and threatened UMNO's ethno-nationalist ideology. Returning ulama from their studies in the Middle East and South Asia contributed to this rise. On religious matters, the Islamists perpetuated modernist discourse against bid'ah and adat, but on the political front, they advocated for the formation of Islamic state and implementation of shariah laws. PAS and dakwah groups became vehicles for Islamist ulama to realise these objectives. In 1978, Islamist ulama such as Hadi Awang, Fadzhil Noor, Mustafa Ali, Subky Latif, Nakhaie Ahmad, and other ABIM activists joined PAS (Farish, 2004, pp. 329-443; Hussin, 1990, p. 112; Liow, 2009, p. 35).[17] They influenced the party to abandon its original goals that shared many elements of UMNO's ethno-nationalism

16 These categories are also not foreign in the discussion of the Indonesian Islamic orientation, particularly in Sumatera. One prominent Kaum Muda ulama is Syed Syeikh Al-Hadi, who wrote *Islam dan Akal* (Islam and rationalism) in the early twentieth century. The Kaum Muda in Malaya never succeeded in consolidating and aggregating their interests into a mass-based organisation like the modernist Muhammadiyah or Sarekat Islam in Indonesia.

17 PAS has always been UMNO's biggest rival since the elections in 1955. When PAS was formed in 1951, it did not start as a party of ulama. PAS's advocacy for an Islamic state began in the 1980s. While Dr Burhanuddin Al-Helmy, PAS's third president (1956-1969), proposed Malaysia to be established as an Islamic state, governed under the teachings of the Quran and the Sunnah of the Prophet, he was mainly looking for a Malay-Islamic unity with Indonesia.

(Funston, 1980, p. 136). Disagreements with UMNO were both religiously and politically grounded. These ulama felt betrayed by UMNO for making PAS a junior partner when they were part of the BN coalition (1974-1978). They were furious when UMNO allowed the Berjasa (Barisan Jemaah Islamiah Se-Malaysia or Pan-Malaysian Islamic Front) Party to contest the 1978 election under the BN coalition, a move they felt was aimed at deliberately weakening PAS (Hussin, 1990, p. 111). Indeed, Berjasa won 11 seats that PAS considered as theirs. Thus, PAS left the BN coalition and in 1981, the party's ulama faction forced the then president Asri Muda to resign. Asri was replaced by an Islamist ulama named Yusuf Rawa. The ulama amended the party's constitution to form the Shura Council, its highest decision-making body. The Islamist ulama dominated the council.

Throughout the 1980s, PAS continued championing an Islamic state and shariah laws but with limited success. In the 1982 elections, for example, it only secured five parliamentary seats and it did worse in the 1986 election. However, in 1990, PAS's struggle began to bear fruit. In that year, the party captured seven parliamentary seats and, more importantly, formed the government for Kelantan. In 1993, the party introduced the Kelantan Syariah Code (II) bill, which included *hudud* (Quranic legal) offences such as robbery, unlawful sexual intercourse, intoxication, apostasy, and theft. The punishments to these offences encompass stoning, whipping, and amputation. Offences not clearly stated in the Quran are deemed as *takzir* and the punishments for them include fines or jail (Farish, 2004, p. 501). The federal government rejected PAS's move because it was unconstitutional. As we will discuss later in the chapter, PAS's move towards Islamism, and its capture of Kelantan, prompted Mahathir to intensify his own Islamisation agenda.

Thus, UMNO implemented policies in the late 1980s and 1990s that were aimed at thwarting PAS, including the empowerment of official ulama institutions and the religious bureaucracy. In the post-Mahathir era, PAS and the ulama seemingly were on the same page on the expansion of shariah courts. This coalition of ideas seems to suggest that revivalist ulama Mahathir co-opted have captured the institutions. Their thinking on Islamisation of Malaysia is not dissimilar with those in PAS; but what differentiates them was distance from power. I will revisit this discussion in Chapter 5.

### Co-opting prominent Muslims and ulama

Suharto and Mahathir undertook several strategies to neutralise the Muslim resurgence movement. They introduced Islamisation policies, built or

upgraded Islamic institutions, and, most important, co-opted dissenting voices, potential challengers, and ulama into state-sponsored institutions. The way Suharto co-opted potential threats, particularly the ulama, into their respective state structures was different from Mahathir. I categorise Suharto's co-optation strategy as "symbolic institutionalism" and Mahathir's as "substantive institutionalism." The primary difference was the degree institutions were empowered, the leaders' motivations, and their techniques of control. Understanding these differences is important for the book's argument. Suharto's and Mahathir's co-optation strategies left an imprint on the character of the ulama institutions that developed subsequently. As significantly, these strategies continue to shape and constrain official ulama's capture objectives today, long after the two leaders resigned from high political office.[18]

Suharto's co-optation strategy as symbolic institutionalism refers to his lesser interest in empowering the Islamic institutions – including ulama ones – than Mahathir. Suharto reluctantly accorded these institutions legal and enforcement powers,[19] because he claimed that he built them only to unite the country's diverse Muslim groups. However, his truer motivations were to ensure they legitimised his authority, while containing challenges from Islamic ormas, especially NU. From the mid-1980s, he also sought to counterbalance declining support of his regime from the military. The pre-condition for membership in these institutions was to accept Pancasila as their ideology. These institutions were MUI, PPP (Parti Persatuan Pembangunan or United Development Party), and ICMI (Ikatan Cendekiawan Muslim Indonesia or Indonesia Association of Muslim Intellectuals).

Mahathir's co-optation focused on empowering ulama institutions with legal and enforcement powers. As we saw in Chapter 2, Mahathir upgraded the federal religious institutions JAKIM and IKIM, which until today, continues to act as the official ulama's administrative and research vehicles. Some of these institutions also oversee the lucrative halal-certification and Islamic economic sectors. Mahathir's sought primarily to out-Islamise PAS and contain the dakwah groups. He invited, for example, influential Islamic intellectuals and ulama willing to support UMNO's ideology to join these institutions. Table 2 demonstrates key differences between symbolic institutionalism and substantive institutionalism.

18 The official ulama capture of the state will be dealt separately in Chapters 4 and 5.

19 This explains why MUI's struggle after Suharto's downfall was to have its roles recognised, defined, and expanded in state law (to be discussed in Chapter 4).

**Table 2 Key differences: Symbolic institutionalism and substantive institutionalism**

| | Suharto's symbolic institutionalism | Mahathir's substantive institutionalism |
|---|---|---|
| **Degree of empowerment** | – No significant powers delegated to institutions<br>– Poorly funded | – Significant delegation of powers<br>– Well-funded |
| **Motivations for control** | – Support Pancasila<br>– Containing NU and Islamic parties | – Support Rukunegara<br>– Out-Islamising PAS, legitimising UMNO |
| **Techniques of control** | – Inviting representatives from competing groups<br>– Repressive towards hostile groups and few concessions to official ulama | – Major concessions to official ulama |

Both leaders deployed co-option of and repression against potential threats to their rule. Suharto mobilised the military to clamp down on Islamic dissidents (as in the 1984 Tanjong Priok Affair, 1976 GAM (Free Aceh Movement) rebellion in Aceh, and 1989 Lampung massacre). Similarly, Mahathir applied the draconian ISA (Internal Security Act), which allowed detention without trial, against his political adversaries. In 1994, Ustaz Ashaari Muhammad (Darul Arqam leader) was detained under the ISA, as were six Shia followers in 2001 (Norshahril, 2014). In 1998, the Ministry of Home Affairs used the ISA against Deputy Prime Minister Anwar Ibrahim after he was sacked from the cabinet.

Still, Suharto was more brutal in his repression tactics than Mahathir, which resulted in narrower spaces for overtly anti-government institutions in Indonesia than in Malaysia. Under the New Order, the state limited outlets available to ulama to express different opinions. Disagreements had to be channelled through one of the Suharto-created institutions. There, he drew together a wide range of ideas, which exacerbated internal conflicts. He capitalised on existing tensions between modernists and traditionalists by having them join the same institution. Moreover, he did not concede much to the ulama as he kept these institutions under tight wraps. Conversely, Malaysian ulama had the option of affiliating with strong, anti-government institutions, had Mahathir not yielded to their Islamisation agenda. PAS became the vehicle for ulama's discontent with Mahathir's handling of Islamic affairs (Osman, 2003, p. 135). Apart from

PAS, there were other anti-government ulama institutions such as ABIM (Angkatan Belia Islam Malaysia or Islamic Youth Movement of Malaysia) and PUM (Persatuan Ulama Malaysia or Ulama Association Malaysia). The presence of these alternative vehicles for ulama explained why Mahathir sought to empower official ulama institutions in order to attract influential ulama and intellectuals into them.

Mahathir's co-optation strategy was geared to neutralise Islamism from the start, while that of Suharto began as an attempt to control Islamic groups and evolved into one that sought to neutralise them. By control, I am referring to the state expecting Islamic groups to conform to its wishes, and using coercion to achieve this goal. By neutralisation, I refer to the state's move to minimise these groups' ability to effect change. If placed on a spectrum, neutralisation falls between state control and its integration of society's wishes absolutely. In the 1970s, Suharto sought to control the ulama through PPP and MUI. By 1990, Suharto could only neutralise the societal demands, mainly because the undercurrents of democratisation had become stronger. The formation of ICMI is a case of neutralisation on the part of the state. In the case of Malaysia, Mahathir could only afford to neutralise the opposition. He could not control them as much as Suharto did the opposition in Indonesia in the early years of the New Order regime, because the demand for shariah in Malaysia was strong in the 1980s and 1990s. Moreover, as will be discussed shortly, Mahathir had to fight on another front: Razaleigh Hamzah's challenge to his leadership in UMNO.

## Suharto's symbolic institutionalism: PPP, MUI, and ICMI

To reiterate some key definitions from Chapter 1, co-option refers to a state's behaviour in "absorbing new elements into the leadership of policy-making or policy determining structure of organisation as means of averting threats to its stability or existence" (Selznick, 1948, p. 34). In most instances, these new elements receive rewards from the state and are accorded high social status, but do not challenge the basic tenets of the state's ideology. Suharto's symbolic institutionalism functioned as a form of co-optation instrument, and was reflected in three institutions: MUI, PPP, and ICMI.[20] Suharto was not interested in empowering these institutions and neither was he

20 The PPP does not meet the criteria of Selznick's co-optation. It is a political party and the members of the party do not receive direct rewards by the state. However, I include PPP as a co-optation institution because the thinking underlying its formation mirrors MUI and ICMI.

concerned about developing them as interest mediation institutions that represent their constituencies' requests to the state. MUI and ICMI functioned more like "talk-shops" than institutions that had significant influence on state's policies. These institutions also played a legitimising role for the New Order regime, as well as in ensuring stability for the country.

Although Suharto's narrative for forming these institutions concerned national unity (Cribb, 2010, p. 71), his primary motivations were to control any form of ulama opposition to the state's ideology of Pancasila. Suharto also wanted to contain the public role of Islam and mould Islamic discourse so that it served his nation-building and industrialisation agenda. Political and religious developments in the 1970s and 1980s, however, explained the differences in Suharto's motivations in forming MUI, PPP, and ICMI. Suharto formed MUI and PPP primarily to contain NU.[21] The formation of ICMI in 1990 has to be understood with respect to developments in the mid-1980s. During this period, Suharto also saw waning support of a section of the military linked to military commander Benny Moerdani, a Catholic, especially BAIS (Badan Intelijen Strategis or Indonesian Military Intelligence). Suharto formed ICMI as part of his efforts to shore up Muslim support to counter the military (Hefner, 2000, p. 158).

Suharto's symbolic institutionalism also differed from Mahathir's substantive institutionalism in terms of its techniques of controlling dissenting actors. Apart from capitalising on the modernist-traditionalist cleavage, as well as the divisions within the two groups that I discussed earlier in this chapter, Suharto also sought to weaken the organisational bases of independent groups by playing against one another rival factions or personalities in institutions. Suharto carefully determined who should be included and excluded in these newly formed institutions. For instance, Suharto allowed NU leaders sympathetic to his political and religious ideas to occupy the leaderships of MUI and PPP together with modernist ulama and politicians. This move sowed the splits within NU members in the early 1980s. Similarly, in the 1990s, Suharto invited two diverse groups to join ICMI – the political reformists and activists, and regimists (pro-Golkar individuals) – knowing that these leaders held different views on many religious and political issues (Hefner, 2000, pp. 143-152).

Why did members of these existing ormas, or even critics of the regime, then join these organisations? For some it meant opportunities

21 Suharto favoured the modernists over the traditionalists. His preference for modernism is understandable because he grew up studying in a Muhammadiyah high school and graduated in 1939. See Ricklefs (2012, p. 118).

for personal advancement. These institutions allowed participants direct access to the president, ministers, and state officials. In addition, status and source of important networks were also attached to the *pejabat* or political offices. More importantly, Suharto's repressive tactics restricted alternative channels for opposition apart from those he created. Suharto disbanded, fragmented, and counterbalanced opposition groups with new, state-controlled structures. The state installed structural impediments, including co-optation institutions, to limit effective political participation and challenges to the state power. Suharto reordered power with him at the apex of the political hierarchy. Porter (2002) states that "implementing exclusionary corporatism was part of Suharto's strategy to undermine the autonomy of Muslim parties and organisations and severely restrict and delineate their participation in the political system" (p. 49).

**PPP: Uniting Islamic political parties**

An early manifestation of Suharto's co-option of potential threats to his rule occurred in 1973 when he merged all Islamic political parties into the PPP. The context of the move had its roots in the elections held two years before that. In the 1971 elections, Islamic parties performed poorly, garnering only 27.2 per cent of the seats, compared to their results in the 1955 elections in which they secured 43.5 per cent of the seats (Hindley, 1972, p. 58).[22] The performance of Islamic parties was low by Indonesian standards given that 90 per cent of its population are Muslims. However, their declining support did not erase Suharto's suspicion of their political potential. Ali Moertopo, Suharto's advisor, warned that with the destruction of the Communist Party and the weakening of the nationalist parties, Islamic parties might revive (Hefner, 2000, p. 100).[23] The revival of Islamic parties would challenge Suharto's preference for religious expression centred on promoting personal piety rather political or social issues. Moreover, he remained suspicious towards former Masyumi leaders. Masyumi was the largest Islamic political party; it had been formed and endorsed by the Japanese in November 1943 (Benda, 1958). The organisation was banned

22 Indonesia's first free and fair elections was held in 1955. The Sukarno regime did not carry out the 1960 elections because of political instability, and when Sukarno dismissed the parliament, and began an era of guided democracy. The 1971 elections was the first on held after the New Order government took power in 1966.

23 His warning came true. PPP performance in the 1977 elections improved. Against all the restrictions imposed by the Suharto government, it secured 29 per cent of the 360 seats in the DPR.

in 1960 by Sukarno, who considered it an extreme Islamist party (Means, 2009, p. 69). Suharto remained suspicious of Islamic parties because he saw Masyumi's ideology remained strong. Suharto saw Masyumi's goals as incongruent with his principle of building an Indonesian identity as a multi-religious society, and continued its banning (Liddle, 1996, p. 621). The New Order, however, allowed Masyumi members to form a political party, Parmusi. The party later merged as a component of PPP.

Suharto formed PPP to restructure the country's political party system. The strategic thinking underlying PPP's formation was to streamline Islamic-based parties to support Pancasila rather than Islam and to weaken Islamic parties' support base. PPP was to become one of the three parties Suharto allowed to participate in the 1977 elections, the other two being PDI (Partai Demokrasi Indonesia or Indonesia Democratic Party), and Suharto's Golkar (Golongan Karyawan or Party of Functional Groups). Between 1973 and 1984, PPP represented four Islamic-based parties: NU, PSII (Parti Sarekat Islam Indonesia or Indonesian Sarekat Islam Party), PERTI (Pergerakan Tarbiyah Islamiyah or Islamic Preaching Movement) and Parmusi (Partai Muslimin Indonesia or Indonesian Muslims Party).[24] Even though PPP ran as an opposition party to Golkar, the state financed its operational costs (Crouch, 1978, p. 271).

Suharto pressured PPP to change its ideology from Islam to Pancasila, but was unsuccessful in the 1970s because the party continued to stand for Islam. Only in 1984 did PPP finally relent and adopt Pancasila as its ideology. To institutionalise his victory, Suharto passed two laws in 1985: limiting the use of Islamic symbols during elections (Law No. 1/1985) and incorporating "*aliran kepercayaan*" (beliefs inclined to mysticism) as one of the accepted "religions" into the existing five (Islam, Protestantism, Catholicism, Hinduism, and Buddhism).[25] This angered many party members in PPP and resulted in divisions within the party. Some Muslims saw this move as a betrayal of Islamic interests (Sudirman, 1993, pp. 21-24). In all, PPP could no longer use Islamic symbols and ideology as political capital against Golkar.

The formation of PPP was also meant to weaken NU's support base and leadership. Through forcing its merger with the three other Islamic parties in PPP, Suharto hoped that NU would be constrained in its power as the largest Islamic organisation in Indonesia. Of the Islamic parties

24 NU withdrew from the PPP in 1984.

25 Confucianism was recognised as the sixth religion under Sukarno rule but President Suharto de-recognised it in 1979. Confucianism was reinstated as a recognised religion under President Abdurrahman Wahid in 2000.

that participated in the 1971 elections, NU recorded an increase in the percentage of seats in the DPR. Compared to the 1955 elections, NU's share of Islamic party seats in 1971 increased from 45 per cent to 58 per cent (Hindley, 1972, p. 58). Within PPP, Suharto further devised ways to marginalise NU leaders. Although in 1973 the NU chairman, Idham Chalid, was made PPP's president, and senior NU clerics KH Masykur and KH Bisri Syamsuri were appointed as the party's Central Legal Council and chair of the Advisory Council, respectively, other NU leaders were installed into less important positions of influence in the party. Even top positions in the party's Jakarta branch were accorded to members of the small Parmusi Party (Bush, 2009, pp. 66-67, 104). Another reason why Suharto tolerated Idham Chalid as PPP's president was because Idham was generally uncritical of Suharto's leadership. Suharto knew that he could control him (Crouch, 1978, p. 271).

Suharto's decision to sideline the traditionalists politically was evident beyond PPP. In the 1971 general election, Suharto mobilised GUPPI (Gabungan Usaha Perbaikan Pendidikan Islam or Coalition for the Improvement of Islamic Education) to shore up support for Golkar. Formed in 1950, GUPPI was a coalition of traditionalist ulama committed to reformed religious education. GUPPI's mobilisation in 1971 generated competition between GUPPI and NU, whose constituents were traditionalist kiais and pesantren graduates (Heru, 1992). Moreover, after 1973, Suharto did not appoint any NU member as minister. This was especially so for the Minister of Religion portfolio that had been normally allocated for NU previously. In 1973, Mukti Ali, a modernist, replaced Moh Dahlan, a NU traditionalist, as the Minister of Religion. Modernists monopolised the post until the end of the New Order.

Abdurrahman Wahid and his supporters were alarmed at the regime's manipulation of NU due to its perceived opposition role. In 1984, Abdurrahman then NU's general chairman, withdrew the organisation from PPP. NU's formal withdrawal from politics took place after NU's 27th Congress in Sitobundo, East Java. The move, famously depicted as the "Return to the Khittah 1926" (Kembali ke Khittah 1926) (Fealy, 2007), was to re-orientate NU back to its original less political objectives since its founding in 1926.

**MUI: Uniting Indonesian Ulama**

From the outset, Suharto's justified forming MUI to unite the ulama and to create a national body to issue fatwas (Atho' Mudzhar, 1993, p. 46). This body would represent the Muslim community in an interreligious body

that he had intended to create. During MUI's inauguration in July 1975, Minister Ali echoed Suharto's views. He remarked that "[t]oday is the day of the establishment of the Council of Indonesian Ulama; today in this place we have buried for ever the cleavage among Muslims; and today, in this very spot, we have also buried for ever the mutual distrust and suspicions between the ulama and the government" (Atho' Mudzhar, 1993, p. 53).

Yet, Suharto's motivations and techniques of co-optation underlying MUI was similar to that of his decision to contain Islamic political parties under PPP. Suharto sought to direct the religious opinion within MUI towards Pancasila and contain NU's political challenge, as well as to increase Islamic legitimacy for his regime. Moreover, Suharto wanted to win over the Muslim electorate, many of whom were disappointed that Suharto had refused Masyumi's participation in the 1971 elections and its members to regroup under Parmusi, which made them junior members of the party. Some within the Muslim community were also displeased by the consolidation that led to the formation of PPP. Thus, Suharto formed MUI as a demonstration that he was not sidelining Islamic interests. He was also keen to win over the support of Muslims who had rejected Golkar during the 1971 elections (Atho' Mudzhar, 1993, pp. 50-51). Nevertheless, Suharto was consistent in not allowing MUI to engage in politics, but to support the state's policies and programmes.

Suharto first mooted the idea of creating MUI in 1970. He invited ulama from NU, Muhammadiyah, and other ormas to join MUI. These ulama were initially suspicious of Suharto's intentions; it took them almost five years to join (Atho' Mudzhar, 1993, p. 53). Hamka, MUI's first chairman, was initially reluctant to accept the position because he feared that he could not exercise independent judgement, and was hesitant to work with the non-ulama Suharto invited to join MUI (Nadirsyah, 2004, p. 149).[26] Hamka accepted the position after being persuaded by Mukti Ali of Muhammadiyah. Other ulama agreed to follow suit, even though they knew their freedom to exercise independent judgement would be limited.

There were several considerations that made the ulama finally accepted MUI. First, the poor performance of Islamic parties in the 1971 elections, and the formation of PPP in 1973, led to the ulama fearing that Islamic

26 When Hamka was appointed as the first chairman of MUI, his close friends criticised him. As narrated by Irfan (2013, p. 254), a cleric once said, "Hamka is no longer owned by the people. He has sold himself for 1 million rupiahs [US$72] to accept the appointment [as MUI chairman]. He now belongs to the palace."

parties could no longer represent Muslims in the DPR. They felt that MUI was the next best alternative for Islamic interests to be heard by the state. Second, Suharto had the potential to repress dissent and that there were no alternative formal channels for the ulama to voice disagreements with the state's policies apart from those determined by the state. In 1973, the government submitted a bill on marriage to the DPR. The law would permit the marriage of Muslims and the People of the Book (*Ahli Kitab*, is a term for Jews and Christians in the Qur'an). Since public opposition towards the marriage bill was not voiced in the DPR, the ulama felt that pressuring the state through MUI would be the best option (Atho' Mudzhar, 1993, p. 53). The ulama was correct on using the MUI in this case, because Suharto later backed down and the bill was not passed.

Under the New Order, only candidates approved by Suharto could chair MUI. In 1975, Hamka was Suharto's choice. He was a well-respected, anti-communist, and modernist ulama. However, in 1981, Hamka's initial fears that MUI members would not be able exercise independent judgement were proven true. He resigned from MUI's chair after disagreements with officials particularly over his fatwa to disallow Muslims from celebrating Christmas (Majelis Ulama Indonesia, 2015, pp. 331-338). He was replaced by Syukri Ghozali, an NU ulama. Although Syukri came from a traditionalist background, he was closely aligned to the state and was a bureaucrat in the Department of Religious Affairs from 1955 to 1971. Syukri was a low-profile scholar and not deemed as a "troublemaker" by Suharto and the religious officials in the ministry (Atho' Mudzhar, 1993, pp. 56-57). Syukri chaired MUI for three years before passing away in 1984. Hassan Basri, a modernist-oriented ulama, replaced him. He led MUI for 14 years. Although Hassan had been a member of Masyumi, he had to convince Suharto that he no longer upheld Islamist ideals before being appointed. He developed a good relationship with Suharto.[27] He was eventually replaced in 1998 by Ali Yafie, former Rois Syuriah of NU (Feener, 2007, p. 159). Although the chairmanship of MUI appeared to alternate between NU and Muhammadiyah (Nadirsyah, 2004), it was only under an NU chairman for three of its 23 years under the New Order. Table 3 lists the MUI chairman since 1975 and their institutional affiliations.

27 Interview with Nadratuzzaman Hosen, Secretary of the Fatwa Commission, Majelis Ulama Indonesia (MUI), 12 August 2014.

**Table 3 MUI chairman since 1975**

| | Years in charge |
|---|---|
| Prof. Dr Hamka (Muhammadiyah) | 1975-1981 |
| KH Syukri Ghozali (NU) | 1981-1984 |
| KH Hasan Basri (modernist, Masyumi) | 1984-1998 |
| Prof. KH Ali Yafie (NU) | 1998-2000 |
| KH M. Sahal Mahfudh (NU) | 2000-2014 |
| Dr Din Syamsuddin (Muhammadiyah) | 2014-2015 |
| KH Ma'aruf Amin (NU) | 2015-present |

Most of the fatwas issued by MUI during the New Order were either neutral (strictly religious and non-political in nature) or supported state policies. One example of the latter was the oral divorce rules (husband's utterance of *talaq*). According to the Shafie School of jurisprudence, to which Indonesian Muslims generally adhere, if a husband uttered three talaqs to divorce his wife, the couple could not remarry until the wife married another man and divorced again. However, MUI issued a fatwa that considered the utterance of three talaqs by the husband as one. The reason why MUI Fatwa Commission issued this fatwa was that in 1974, the DPR passed the Marriage Law that considered the question of three talaqs as one was a "non-issue." Thus, MUI synchronised its fatwa with the state's position.

A second example was the state lottery scheme SDSB (Sumbangan Olah Raga Berhadiah or Sports Contribution with Prizes), called Porkas (*porkas* were football pools, from the English word *forecast*) introduced in 1986 to provide funding for national sports programmes. MUI's head of Fatwa Commission, Ibrahim Hosen, declared that the Porkas scheme did not constitute gambling, which is forbidden in Islam. In general, the Muslim community criticised the government for promoting un-Islamic values. Ibrahim, however, believed that the persons engaged in it did not meet face-to-face. Subsequently, Ibrahim ordered MUI branches not to issue any fatwa concerning the scheme (Darul, Van der Meij, and Meuleman, 1995, p. 197). For many Indonesian Muslims, this fatwa only confirmed that the institution was a state lackey.

Most importantly, MUI was obliged to uphold the state ideology of Pancasila as its own ideology. In July 1975, during MUI's opening event, Suharto reminded the attendees of Pancasila's importance.[28] He also stressed that

28 Speakers during this opening of MUI include Suharto (President), M. Panggabean (Defence Minister), Amirmachmud (Home Affairs Minister), Mashuri (Information Minister), and Mukti

MUI must eschew politics and support Golkar. The president remarked that "MUI does not need to organise itself as a political organisation, because the political platform has already been filled by two political parties [PPP and PDI], plus one Golkar that we all belong to" (Departemen Penerangan R. I., 1975, pp. 11-12).

However, the MUI Fatwa Commission did not blindly support the New Order all the time. For example, in 1983 MUI issued a fatwa on the non-permissibility of tubectomy and abortion that ran counter to the government's position of allowing these practices in order to encourage family planning (Kaptein, 2004, p. 121). Another was Hamka's 1981 fatwa that Muslims could neither extend Christmas greetings to Christians nor attend Christmas celebrations. The Religious Ministry issued a circular allowing government officials to attend any celebrations of other faiths. Not long after Hamka resigned from MUI's chairmanship.

Overall, the state's strength was so overwhelming that most ormas and civil society groups conceded to its demands. By 1984, NU, Muhammadiyah, MUI, and PPP all had formally adopted Pancasila as their ideology. Yet, another of Suharto's wishes came to fruition at around the same time. As was mentioned, Suharto was keen to keep progressive-modernist Islamic discourses alive. By the mid-1980s, Indonesia's neo-modernist Muslim intellectuals had garnered more influence and a larger mass following. These intellectuals promoted ideas that contained elements of progressivism, traditionalism, and modernism (Barton, 1995). They were inspired by Fazlur Rahman's writings, then a professor at the University of Chicago. His writings called for a contextual reading of religious traditions, rather than their literal meanings. Nurcholis Madjid's (a leading intellectual in the 1980s and 1990s in Indonesia), famous quote of "Yes to Islam, but No to Islamic parties," reflected this progressive thinking. Nurcholis was a former Fazlur student.

Although having rather successfully co-opted the Muslim institutions by the mid-1980s, Suharto still deployed the force of the military on those who challenged Pancasila. According to Aspinall,

> One key to the New Order's longevity and success was the way it combined violence (and the threat of violence) with co-optation and toleration. The regime did not merely prohibit threatening forms of political action and ideology, it also allowed a relatively wide variety of organisation and

Ali (Religious Minister). Most of the speakers emphasised the non-political nature of MUI, its role as a translator of government policies, and the adoption of Pancasila. See Departmen Penerangan R.I., 1975. See also Majelis Ulama Indonesia, 1979.

> representation of societal interests – political parties, the societal organisations or Ormas, NGOs and the like – so long as they did not fundamentally challenge the regime and adapted to its rules. (Aspinall, 2010, p. 121)

In September 1984, the military opened fire on a group of Muslim protesters in Tanjong Priok (northern Jakarta). They were protesting Suharto's decision to force all organisations to adopt Pancasila. The riot-turned-massacre was also triggered by the provocative behaviour of some military guards who refused to remove their shoes upon entering a local mosque (Feillard and Madinier, 2011, p. 42). About two dozen protesters were killed. In another famous incident, the army also swiftly responded when a small group of Muslim Islamists murdered a young infantry captain in the southern Sumatran province of Lampung in March 1989 (Schwarz, 1999, p. 173). The army was believed to have killed dozens of villagers in the village of Talangsari, Lampung.

By the late 1980s, Suharto began to shift tactics by "embracing" Islam. Suharto not only developed a new personal interest in Islam, but he also invested vast sums of money and resources to develop Islamic education. In 1990, Suharto performed the Haj ritual. Although the public attention given to Suharto's performance of the Haj has been interpreted as political gimmick, Ramage (1995, p. 63) observed that the president began to eschew Javanese mysticism and became more interested in learning about Islam. He invited many religious teachers to the palace to learn more about Islam.[29] Significant changes also happened in the realm of law. In 1989, the state enhanced the Religious Judicature Act, which expanded the authority of the Islamic courts' jurisdiction to include inheritance. With the passing of this law, decisions by the Islamic courts could be enforced by the police without being ratified by civil courts. Nevertheless, despite Suharto's concessions to uplift the profile of Islamic institutions in the public sphere, Cammack (1997, pp. 143-144) cautions against thinking that Suharto had abandoned his long-standing policy of controlling Islamic laws and politics. Still, by the 1990s, Suharto was shifting from the use of repression to more reliance on symbolic institutionalism. The formation of ICMI was exemplary.

29 Suharto's move towards greater Islam affected the domestic front more than the international arena. Despite being the world's largest Islamic country, Indonesia under Suharto played down the religious factor in its foreign policy. This can be seen through Indonesia's participation in the Organisation of Islamic Conference (OIC), its response towards complex issues such as the state of Palestine and the First Gulf War, the Moro problem in the Philippines, and the Bosnia-Herzegovina conflict in the 1990s. See Perwita, 2007.

## ICMI: Uniting Indonesian intellectuals

In 1990, Suharto established ICMI to generate a progressive intellectual discourse and to prepare Indonesians for challenge the twenty-first century. ICMI drew its history from student activism that had intensified in the 1980s (Zaim and Usman, 2000, pp. 3-6). The students of the dakwah movement were eager to create an organisation at the national level. They had close contacts with prominent Muslim intellectuals and activists such as Dr Imadudin Abdulrahim and Dr Dawam Raharjo. The students felt that such organisation would only be influential with state sponsorship. Therefore, they invited several ministers, including the rising star of the Suharto cabinet, Dr B. J. Habibie, to provide leadership to the organisation (Hefner, 1993, pp. 17-18).

Nevertheless, I contend that Suharto's underlying motivation to form ICMI was similar to that of MUI and PPP, that is, to neutralise challenges to the state's ideology. Liddle (1996) states that ICMI did not have a specific Islamic policy or legislated agenda that could be implemented (p. 615). Hefner (2000) describes ICMI as part of "regimist" Islam (pp. 151-152), which he defines as Muslim groups that are "untroubled by Suharto's authoritarian ways" (p. 19). Although cabinet members were members, ICMI had little direct influence on government policies and directives.

ICMI differed, however, from MUI and PPP in at least two aspects. First, it did not pit the traditionalists against modernists. By then the two cleavages became less sharp: leaders from the rival camps are able to sit together to discuss issues facing Indonesia. In fact, Suharto was wary of the two camps aligning. Thus, ICMI served to contain such a possibility, ensuring Islamic discourse was consistent with Pancasila and the state's other goals. Second, ICMI was formed at a time when Suharto encouraged Islam to have a larger public role. This significant change was a result of pressures from the growing Muslim middle class that wanted more input into the regime's policies (Liddle, 1996, p. 618). The growth of the middle class resulted from the New Order's industrialisation policies.

In essence, ICMI was to prevent intellectuals and the independent religious elite from forming alternative channels that challenged Suharto's rule (Hefner, 2000, p. 142). With the rise of Islamic intellectualism (Bahtiar, 1998, pp. 212-213; Barton, 1995, p. 5), Suharto invited intellectuals into ICMI more to control them than to promote their ideas. ICMI housed personalities with diverse backgrounds, mirroring his co-optation technique with regard to PPP and MUI. They included Muslim resurgents Imadudin Abdulrahim and Anwar Haryono (DDII leader), liberals Nurcholis Madjid and Dawam

Raharjo, traditionalists Yusuf Hasyim and Ali Yafie, and modernists Amien Rais, Din Syamsuddin, and M. Amin Aziz. Nasir Tamara, a politician, activist, and ICMI member, said that the institution was created to prevent Abdurrahman Wahid, Muhammadiyah, and NU from dominating Islamic discourse (Ramage, 1995, pp. 77-78). While several NU members did join, Abdurrahman Wahid refused to join.[30] He joined another Muslim intellectual, Djohan Effendy, in forming the Forum Demokrasi (Democratic Forum) instead.

There were two other political considerations of Suharto behind ICMI's formation. First, it was intended to serve as Golkar's vehicle to shore up Muslims' support for the 1997 parliamentary elections, and the 1998 MPR (Majelis Permusyuaratan Rakyat or People's Consultative Assembly) session, which was responsible for electing the president and vice-president (Liddle, 1996, p. 625). ICMI also provided Suharto with new recruits for Golkar outside that of the armed forces (Liddle, 1996, p. 626). Second, and more importantly, Suharto's support from the military was starting to fray. Here, the biggest threat came from the defection of his most trusted ally, Benny Moedani, the former military chief. A Catholic, Benny was responsible for not promoting Muslims into the higher ranks of the military. However, the main turning point that soured the relationship between Suharto and Benny was when Benny advised Suharto to name a successor in 1988. In addition, Benny had a falling-out with General Prabowo Subianto, Suharto's son-in-law. Consequently, Suharto relegated Benny to a less influential role in his cabinet – Minister of Defence. During the 1988 elections, Suharto chose Sudharmono as vice-president instead of Benny, although the latter was the favourite based on seniority.

In sum, Suharto was keen to neutralise the demands of the Muslim resurgence leaders by grouping them into institutions headed by modernists. As a move to quell challenges to his presidency, Suharto sowed divisions and fragmented group interests by exploiting internal organisational rifts within NU and PPP, and between NU and Muhammadiyah. MUI was created as an alternative forum to weaken the power bases of NU and Muhammadiyah. At the same time, Suharto did not give MUI powers to manage Islam or replace the Religious Ministry in affairs such as managing tithes, endowments, religious education, and the Haj. MUI's function was to advise the government on Islamic matters.[31] Suharto's Islamic policies attempted to weaken

30 Interview with Rumadi, 3 December 2012.

31 Interview with Professor Nasaruddin Umar, former Vice-Minister of Religion, 7 December 2012.

the organisational bases of independent groups or politically demobilise, fragment, and neutralise them with new, state-controlled structures.

## Mahathir's substantive institutionalism: Centralisation of Islam

Since the prime ministerships of Abdul Razak Hussein (1971-1976) and Hussein Onn (1976-1981), the Malaysian Islamic resurgence movement had questioned UMNO's commitment towards the betterment of Islam. As the movement grew in strength in the 1980s, it continued to challenge the Mahathir government's Islamic legitimacy. There was significant pressure from dakwah groups to create a new Islamic order in Malaysia; their slogan was "Islam is not capitalism, socialism, democracy, humanism or for that matter any other *isms*, Islam is Islam and Ad-Deen" (Shaharuddin, 2005, p. 318). During this period, Mahathir also had to tackle several outstanding issues related to the economy and management of ethnic diversity. Yet, one of the biggest challenge to Mahathir's government – besides internal divisions within UMNO – was the rise of Islamist ideas permeating society. Mahathir frowned on the ulama being involved in political parties, but the opposition PAS demonstrated how effectively they can shape the domestic political scene.

One of the strategies Mahathir adopted to deal with rising Islamist ideas and the Islamic resurgence movement was to co-opt the ulama. Since some of the issues discussed here – such as JAKIM's and IKIM's formation and the rise of Islamism in PAS in the 1980s – have been examined previously, I shall not repeat them here except to stress some key points. Mahathir created several institutions to attract ulama to join the government. In the same vein, he wanted to build a progressive Islamic community and to outflank PAS Islamically. One technique that defined Mahathir's strategy was to invite "impactful" personalities to join UMNO or the religious bureaucracy. This is not to underplay the significance of Mahathir's use of coercive tactics to weaken his political rivals. He was not hesitant in using the ISA (Internal Security Act) against his political opponents. Milne and Mauzy (1999, p. 85) point out that Mahathir's policies contained a combination of co-optation, institution building, and coercion. While the same could also be said about Suharto, Mahathir was less coercive than Suharto. Mahathir did not mobilise the military to curtail resistance to his government.

Shortly after assuming power in 1981, Mahathir expanded the role of Islam in the public sphere by incorporating and appropriating Islam into the state's national vision, thereby making it his administration's philosophy

(Hamayotsu, 2002). He did this to appease the Islamic resurgence movement that was at its peak in the 1980s. He built on traditional structures and institutions to co-opt the ulama into them. Mahathir invited both critics and sympathisers to UMNO's cause to join these institutions, encouraging them to reform the state "from within." These institutions were upgraded and granted more powers and responsibilities than under his predecessors. Mahathir delegated executive power on religious matters to the official ulama, in exchange for their loyalty and support for the state's ideology. Unlike Suharto's approach, Mahathir's strategy was exemplary of substantive institutionalism.[32]

Mahathir introduced key policies to reflect his commitment to Islamisation. Mahathir established the Islamic Bank and expanded the Islamic Centre or Pusat Islam. His policies also demonstrated the government's commitment to Islamic morality and piety. The government, for example, considered forbidding the importation of non-halal meat and Muslims entering the Genting Highlands Casino (Crouch, 1996, p. 170). The state television channel also aired the five daily prayer calls, which had been common in many Middle Eastern countries. The federal government built massive mosques larger than the National Mosque. The Masjid Sultan Salahuddin Abdul Aziz Shah (also known as Shah Alam Mosque), built in 1981, was then the second largest mosque in Southeast Asia after Indonesia's Istiqlal Mosque in Jakarta.

The government implemented policies that strengthened the official ulama's legal powers (Hussin, 1990; Kamarulnizam, 2002; Milne and Mauzy, 1999). The 1984 Federal Territory Administration of Islamic Laws Enactment, for example, created greater uniformity in the administration of Muslims laws. Previously, shariah laws were administered under separate legislatures in each state (*negeri*). This enactment also enlarged the functions of the shariah court. With the amendment, the Federal Territory then had three levels of shariah courts: Shariah Lower Court, Shariah High Court, and Shariah Appeal Court. By 1991, the 13 states (*negeri*) followed suit. In 1988, the state amended Article 121 (1A) of the Federal Constitution to allow for an expansion and systemisation of the Islamic judicial and legal systems. The state gave the shariah courts the authority to exercise separate jurisdiction over wide-ranging matters concerning Islam which civil courts could not challenge. The law also stated that it was compulsory

32 The book's reference to the term *substantive institutionalism* is similar to Hamayotsu's (2005, p. 51) "state co-optation" and "state institutionalisation."

for Malays and Muslims to notify the authorities that they were professing Islam (Maznah, Zarizana, and Sim, 2009, pp. 66-67).

Mahathir centralised the authority structure of Islam by raising the status of the federal-level Islamic bureaucracy, even though Islam is constitutionally a state (*negeri*) matter. Undeniably, centralisation had commenced prior to Mahathir's rule. During Tunku Abdul Rahman's reign (1957-1970), major Islamic centralisation projects included the formation of the Tabung Haji (Haj Fund) in 1962 that acted as fund managers for Haj pilgrims. During Abdul Razak's government (1970-1976), the Department of Education created a religious division within it, a move that contradicted the state's commitment that Islam is a matter for the state (*negeri*) (Roff, 1998, pp. 220-221). Mahathir, however, pushed this centralisation agenda further and at a larger scale. To reiterate some key points from Chapter 2, Mahathir transformed the federal Islamic institutions JAKIM, IKIM and the JKF-MKI. JAKIM acted as the secretariat for JKF-MKI and helped the Fatwa Committee to socialise its fatwas to the society. According to Liow (2009), JAKIM also was "relied upon to enact and standardise laws and procedures and to coordinate their implementation with their respective state [*negeri*] religious authorities in all states across Malaysia" (p. 49). JAKIM and IKIM also undertook fatwa research for JKF-MKI. These institutions also organised discussion forums for members of federal religious institutions and the state (*negeri*) councils, particularly between members of their respective fatwa committees.

Mahathir formed and upgraded these institutions as part of his Islamisation policies. While he pursued these policies mainly in response to the Islamic resurgence movement, these policies served two other related purposes. He wanted to ensure progressive Islamic discourse remained dominant in the country, and he sought to curb the rise of Islamist PAS.

**Building a progressive Islam and out-Islamising PAS**

Mahathir showed great interest in Islam very early in his political career. Mauzy and Milne (1983) posit that he saw Islam as providing the necessary moral values that respect discipline and work ethics that are essential for the community's progress (p. 618). His earlier writings, including his 1970 classic *The Malay Dilemma*, suggested that he desired the creation of strong capitalist class through strong state patronage (Shaharuddin, 1988, pp. 141-148). By the time he became prime minister, Mahathir was explicit in pointing out the Malays' need to create wealth. In 1986, he published *The Challenge*, a book critical of Malay religious life that tends to focus too much

"on acquiring merits in the hereafter" (Mahathir, 1986, p. 76). He considered worldly progress as part of Islamic values. In *The Challenge*, Mahathir wrote, "In Islam there are no hermits and no religious order which reject the world. For the rejection of the world and its wealth does not necessarily effect or enhance adherence to spiritual values" (p. 109). For Mahathir, Muslims can achieve progress by calibrating the correct balance between the world and the hereafter.

Thus, Mahathir formed JAKIM and other federal Islamic institutions not only to contain the Islamic resurgence movement. He wanted to make Islam suit his "progressive" Islamic ideas. Mahathir envisioned Malaysia as reaching the status of a developed country by 2020, and felt that progressive Islamic values could contribute to realising this vision. Mahathir also considered the ways Islam could facilitate his industrialisation and developmental agenda, and this could be achieved by improving the religious education infrastructure.

Early on, Mahathir sought to improve the ulama's religious training. He wanted Malaysia to produce world-class Islamic scholars and intellectuals. In 1983, Mahathir set up the IIUM (International Islamic University of Malaysia) and in 1987, ISTAC (International Institute of Islamic Thought and Civilisation). The former served as a full-fledged university while the latter was a research institute that also issued post-graduate degrees. The Prime Minister's Office directly funded these institutions and determined the key appointments in them. IIUM and ISTAC produced many religious elites and ulama who later occupied the religious bureaucracy such as JAKIM, IKIM, and the religious bureaucracy at the state (*negeri*) level. The state formed these institutes of higher learning to rival Al-Azhar University in Egypt. The IIUM is also co-funded by the OIC (Organisation of Islamic Conference) (Liow, 2009, p. 54).

Nevertheless, the rise of Islamist PAS in the 1980s caused Mahathir to redirect his attention away from developing a progressive and capitalistic Islamic society. Mahathir and UMNO felt threatened by developments within PAS, and decided to co-opt ulama, Islamic intellectuals, and "impactful" personalities into the religious bureaucracy and UMNO. First, PAS posed a direct ideological challenge to UMNO. Since the 1980s, the party had been championing an Islamic state and shariah laws. PAS leaders began to openly attack UMNO's ethno-nationalist ideology *Ketuanan Melayu* (Hussin, 1990, p. 118), even though they were once its supporters. They equated UMNO's ideology as communal and *asabiyah* (an Arab culture that prioritises one's own clan) and hence un-Islamic. As a result, UMNO intensified its campaign to recruit ulama sympathetic to its ideology. This was indeed an arduous

task for UMNO, given that many ulama were influenced by the dakwah movement, and attracted to Muslim Brotherhood-like ideas and Islamist discourse. UMNO did manage to recruit ulama, such as Mohd Yusof Nor and Abdul Hamid Othman, but they were the ones who joined the party out of pragmatic reasons; they did not shed their Islamist orientation. Evidently, in July 1999, Mohd Yusof declared that hudud laws cannot be implemented because Malaysia is a multi-racial society; however, he did not question the suitability of the law in the modern context. Similarly, Abdul Hamid, a former cabinet minister, said that shariah laws can be implemented domestically when the time is right (Saeed and Saeed, 2004, p. 137), or when Malaysia's population is predominantly Muslim.[33]

Second, PAS had come to emblemise an Islamic party, in contrast to UMNO as a secular party. This dichotomy hardened after charismatic ulama with a mass following took control of the PAS's leadership in the late 1970s. They included Nik Aziz, Abdul Hadi Awang, Nakha'ie Ahmad, and Fadhil Noor. These ulama shunned UMNO because they felt the party had relegated Islam to the periphery of society (Farish, 2004, p. 349). PAS continued recruiting charismatic ulama, even those who had appeared on mainstream media. By the 1990s, charismatic ulama such as Haron Din and Ismail Kamus had joined PAS, leaving UMNO with the less popular ulama to co-opt. This was in part why Mahathir decided to empower religious institutions, as a form of enticement to attract ulama into UMNO's fold. Mahathir had to make many concessions in order to gain their support and to cajole them so that they could Islamise the state from "within" through these institutions.

Third, PAS and UMNO leaders distrusted each other intensely. Personal attacks on one another's leaders were constant, including the serious act of *kafir-mengkafir* (calling each other apostates). PAS felt betrayed by UMNO when between 1974 and 1978, PAS was made a junior member within the BN coalition. Some PAS leaders hyperbolically called their struggle against UMNO a *jihad* (holy war). Notable was the 1986 Memali incident, which left 14 people and four policemen dead. The incident began with a protest led by PAS ulama, Ustaz Ibrahim Mahmood (widely known as Ibrahim Libya), who resisted police attempts to arrest him under the ISA and close down his religious schools. The government accused Ibrahim of preaching radical ideas in Kedah, Penang, and Perak (Liow, 2009, p. 152). PAS leaders

33 Abdul Hamid's views differed from those of progressive Islamic scholars, who have argued that the secular state is in line with Islamic values that represents the ideal form of governance for the modern world (An-Na'im, 2008).

later controversially declared the protesters killed as *shahid* (death from holy war that is guaranteed paradise), refused to pray behind an UMNO imam, conduct rituals with UMNO's supporters, and join their communal feasts. There was also talk by PAS and UMNO leaders that their supporters be buried in separate cemeteries (Hussin, 1990, p. 123).

These institutions came to UMNO's defence from the PAS onslaught. Competition between official ulama and PAS in fact continued to the 1990s and beyond. The two camps fought over the concept of the Islamic state. Notably, in 2001, Mahathir declared that Malaysia was an Islamic state. Mahathir later clarified during my interview with him that there are many interpretations of an Islamic state, but what he meant was that the government did not do anything that is against Islam.[34] In the following year, JAKIM reiterated Mahathir's controversial claim with following reasons (JAKIM, 2008, pp. 120-123)[35]: Islam is the official religion of the state; Malaysia is headed by a Muslim, the Yang-Dipertuan Agong (King); the administration of Islam is under the state's jurisdiction; Malaysia is acknowledged internationally as an Islamic state by the OIC (Organization of Islamic Conference); and Islamic institutions oversee the administration of Islam and shariah laws, including Islamic banking.

In response, PAS produced its own "Islamic State Document" in 2003. This document differed significantly from the memorandum the party had issued earlier entitled "PAS Memorandum to the Malaysian People: The Understanding of the Islamic State in the Context of 15th Hijrah/21st-century Democracy." The 2003 statement reiterated the party's desire to implement hudud laws upon ascending to federal power.

In more recent times, PAS and UMNO and the official ulama seems to reach a common ground on Islamisation of Malaysia. Liow observes that state (*negeri*) governments under UMNO oversaw an Islamic administration promoting orthodoxy. What started as a PAS agenda to establish an Islamic state and glorify Islam in the country, slowly became part of UMNO's and official ulama's discourse as well. In 2002, the PAS government in Terengganu wanted to introduce the Terengganu Syariah Criminal offences, but was again unsuccessful. Interestingly, four UMNO lawmakers in PAS-governed Terengganu chose to abstain from PAS's proposal for the Terangganu Syariah Offences bill, instead of voting against it (Liow, 2004, p. 190-199). In 2008, PAS backed down on the Islamic state issue and said it was struggling to achieve a *negara berkebajikan* (benevolent state).

34 Interview with Mahathir Mohamed, 4 March 2016.

35 This is based on my summary that I have written elsewhere. See Norshahril, 2010a, pp. 75-76.

After the 2013 general election, some UMNO ulama had spoken about the possibility of implementing hudud in Malaysia, and were willing to co-operate with PAS to realise this objective. In 2014, some PAS members proposed a private members' bill in parliament to push for the implementation of shariah hudud laws, though this was shelved. A section of UMNO members was neutral about PAS's proposal to table a private members' bill in parliament for the implementation of hudud in Kelantan. In November 2016, the Najib government allowed the PAS president to table the Syariah Courts (Criminal Jurisdiction) Act, or Act 355, to expand the powers of the syariah courts in Malaysia. Some argue that this is the first step for the implementation of hudud in Malaysia.

**Co-opting ulama and influential Muslims into state structures**

If Suharto used co-optation institutions to bridge traditionalists and modernists, Mahathir relied on "impactful" Islamic personalities to legitimise his government's Islamic institutions. Interestingly, Syed Naquib Al-Attas, Malaysia's ideologue for the Islamic resurgence movement, was made ISTAC's founding director in 1987. As for Mahathir's co-optation strategy, this was one of the PM's great successes. Al-Attas was involved in all aspects of ISTAC's founding, including designing the campus and the curriculum. More importantly, Al-Attas's co-optation neutralised ABIM's challenge of the state. The dakwah movement also became more convinced of Mahathir's genuine commitment to Islamise the state.

The man who might have persuaded Al-Attas to be involved in developing ISTAC was his own protégé, Anwar Ibrahim. Anwar himself was perhaps Mahathir's biggest co-optation "catch." The influential and charismatic ABIM leader could potentially have followed other ABIM leaders in joining PAS, although Mahathir's memoirs claim that Anwar had voluntarily joined UMNO (Mahathir, 2012, p. 404). In March 1982, Anwar joined UMNO and ran as a candidate in the elections the same year. His first appointment into government came after winning a seat in the elections and the position. His appointment surprised few: the deputy minister in charge of Islamic Religious Affairs under the Prime Minister's Office (Mauzy and Milne, 1983, p. 636). With this, ABIM seemingly lost direction and became pro-Mahathir (Ahmad Fauzi, 2008).[36]

36 When Anwar was sacked from the government in 1998, the organisation became anti-government and to build the reform of the movement that challenged the authority of the party.

By co-opting Anwar Ibrahim, ABIM members, and other ulama into UMNO and the religious bureaucracies, Mahathir hoped to avert political challenges from within his own party, and contain the threats from without, such as the Darul Arqam dakwah movement, which was more Sufi/mystical in its orientation.[37] In the 1980s, Mahathir was seeking alliances to help ensure his political survival. In 1987, Tengku Razaleigh Hamzah, a prince from Kelantan, who allied with Mahathir's former deputy, Musa Hitam, challenged Mahathir's leadership of UMNO. The party split into two teams: Team A and Team B. During the party elections, Team A, which was led by Mahathir and Ghafar Baba only won by a meagre 43 votes. Anwar Ibrahim was part of Mahathir's faction. Anwar's consolidation of power in UMNO boosted the party's Islamic image (Means, 2009, pp. 132-133). At the same time, Anwar's entry into UMNO helped the party to contain the influence of PAS.[38]

Mahathir was less successful in recruiting "impactful" ulama into UMNO because most sided with PAS. Thus, Mahathir resorted to groom official ulama in the religious bureaucracy to support the state's ethno-nationalist ideology. Some of the prominent ulama and Islamic intellectuals Mahathir co-opted into UMNO included Yusuf Noor, the dean of the Faculty of Islamic Studies at the National University of Malaysia (UKM), and Zainal Abidin Kadir, the director of Pusat Islam (Islamic Centre). As will be discussed in Chapter 5, UMNO tried to recruit muftis and National Mosque imams to run as its candidates during elections. Since it could not compete with PAS on the ulama recruitment, Mahathir focused on expanding the ulama's role in the bureaucracy. By 1982, about a hundred ulama were employed in the Department for Islamic Development in the Prime Minister's Office, while another 715 ulama were designated to the Ministry of Education (Norani et al., 2005, p. 90). This allowed them to be more directly involved in the formulation of "Islamic" policies (Norshahril, 2014, p. 362).

This shows that Anwar Ibrahim's influence on the organisation remain very strong (Ahmad Fauzi, 2008).

37 In retrospect, Mahathir denied that Darul Arqam had much mass support. He said when the government acted on the organisation, it faltered quickly because it lacked mass support. Interview with Tun Dr Mahathir Mohamed, 4 March 2016.

38 In the 1980s, Mahathir's relations with the Malay rulers also deteriorated. Malaysia faced constitutional crises in 1983 and in 1987. Mahathir wanted to weaken the role of the monarchy by pushing for an amendment to the constitution. The Constitution Amendment Act of 1983 mainly stated that if the king did not give his assent to bills within 15 days, which was a requirement in the constitution previously, the bills would be assumed to have been passed. The other significant change concerned the right to declare a state of emergency. Previously, the king had the sole authority to do so, but with the amendment, he could only make the declaration after consulting the cabinet.

## Conclusion

The Islamic resurgence period defines powers of present-day religious institutions in Indonesia and Malaysia. It was a dynamic time for many Muslims. Many felt that the time was right for Islam to reinstate its role in the public sphere by defining the nature of institutions, governing systems, and social relations. Calls were made to introduce shariah laws, Islamic institutions, Islamic codes and ethics, moral policing, and, ultimately, an Islamic state. Initially, the impact of the resurgence was more prevalent in Malaysia compared to Indonesia, but by the mid-1980s, the rise in piety was equally strong in Indonesia.

Although leaders in both countries undertook common policies to respond to the resurgence, political considerations shaped diverging co-optation strategies. One was the religious cleavages that existed in their respective societies. I consider Suharto and Mahathir as modernists in their religious outlook, but the traditionalists form a major part of their respective societies. The traditionalists in Indonesia were more organised compared to Malaysia, and through NU, posed the greatest political challenge to Suharto. Apart from wanting to neutralise NU's political challenges, Suharto also genuinely sought to reform Muslim society, and saw the modernists' worldview as being closer to his progressive outlook than the traditionalists were. The modernists too had been forthcoming in embracing Pancasila. While Mahathir might be a modernist, the political situation in Malaysia differed from Indonesia's. The traditionalists were tied to the royal courts and likely to support UMNO's ideals. Conversely, with some exaggeration, the modernists grew more Islamist in their outlook and galvanised their support for PAS and the dakwah groups.

Suharto was less interested in empowering ulama, while Mahathir accorded ulama institutions with legal and enforcement powers. They also shared different motivations for co-optation because they were responding to different kinds of religious cleavages. In Indonesia, the main cleavage was between the traditionalists and modernists; in Malaysia, between the ethno-nationalist and Islamists. In terms of techniques, Suharto drew participation from diverse interests into newly created institutions, while Mahathir developed and upgraded traditional Islamic institutions to be occupied by UMNO sympathisers.

PPP, MUI, and ICMI were examples of Suharto's co-optation instruments. Suharto formed PPP to weaken the influence the Islamic parties, especially traditionalist NU. This step was consistent with Suharto's cabinet appointments, which, since 1973, denied traditionalist ulama from becoming the

country's minister of religion. Similarly, MUI functioned as Suharto's co-optation instrument. Its members had to support Pancasila. Most of their fatwas were either supportive or neutral towards the regime. Suharto also ensured the institution was controlled by modernist-oriented ulama. In the same vein, Suharto's symbolic institutionalism defined ICMI's formation in 1990. However, unlike PPP and MUI, which were aimed at containing the traditionalists, Suharto formed ICMI to neutralise neo-modernist Muslim intellectuals. By the time ICMI was formed, all Indonesian Muslims organisations and institutions had embraced Pancasila as their ideology. Suharto used ICMI as the state's channel to prevent Islamic intellectuals from challenging his authority, and as a counter to the military, which, by the late 1980s, was internally divided.

Mahathir's co-optation strategy relied mostly on the upgrading of traditional Islamic institutions, such as the shariah courts, the state (*negeri*) religious councils, and, most significantly, the federal Islamic institutes of JKF-MKI and JAKIM. Mahathir co-opted ulama or key political personalities into these institutions to counter PAS, which in the 1980s, was becoming more Islamist in outlook. He also sought to move the religious discourse closer to his definition of "progressive" Islam. To achieve these objectives, Mahathir strengthened the authority of JAKIM, IKIM, and JKF-MKI. Important activists from the Islamic resurgence, particularly members of ABIM, were also invited into UMNO or lead his co-optation institutions. Besides, Mahathir also developed Islamic universities (such as IIUM and ISTAC) and Islamic banks as part of his Islamisation agenda. He invited a key resurgent ideologue, Professor Syed Naquib Al-Attas, to be ISTAC's founding director.

By focusing on the contrast between Suharto's and Mahathir's co-optation strategies, the countries' religious cleavages, and political developments during the Islamic resurgence period, the chapter sets up the discussion for Chapters 4 and 5, where I discuss official ulama's capture of their respective states. Understanding these co-optation strategies is also relevant to these chapters' discussion in the following ways. First, the policies undertaken by Suharto and Mahathir continue to shape politics in their respective countries today.[39] In fact, the post-Suharto period continues to manifest the remnants of corruption, money politics, and repression by elites, thuggish intimidation of opponents and the elite just as when Suharto was in power

39 To quote the words of Suharto's biographer, Elson (2001): "No matter how many Indonesians may wish to forget him [Suharto], there is no escaping his profound and far reaching legacy. Indonesians must seek to understand and be reconciled with that legacy before they can move on" (p. x).

(Aspinall and Fealy, 2010, p. 3). Similarly, Mahathir's legacy in Malaysia is equally profound. The problems created during Mahathir's rule has hindered many reforms that his predecessors wish to make (Welsh and Chin, 2013), including tacking corruption, resolving ethnic and religious tensions, and mitigating abuse of power by the ruling elites. Even after formally retiring from politics, Mahathir interfered, covertly and overtly, in the political process. He also contributed to Abdullah Badawi's downfall after the 2008 elections. Lately, he has been campaigning to defeat his former party UMNO and toppling prime minister Najib Abdul Razak by joining the opposition.

Second, both states continue to apply these contrasting co-optation strategies in managing Islamic interests. In other words, the Indonesian state behaviour towards Muslim organisations still reflects elements of symbolic institutionalism, while the Malaysian state applies substantive institutionalism. MUI continues to be occupied by personalities from diverse groups, and it is in the state's interest that MUI remains as such. Liberals, conservatives, progressives, traditionalists, modernists, and Islamists occupy MUI's leadership positions. On the other hand, the Najib Abdul Razak government continues to strengthen Malaysian official ulama institutions by giving them more public role, funding, and access in policy-making. The Najib government, through JAKIM, took significant policies to upgrade religious schools and *sekolah pondoks* (Islamic boarding schools) and invited ulama for dialogues.

Third, these institutions continue to shape and constrain the official ulama's capture of their respective states. The laws and powers defined by Suharto and Mahathir conditioned the goals of the official ulama's capture of the state. For example, MUI's powers in the realm of law and fatwa remain limited compared to their Malaysian counterparts. The Malaysian state established JAKIM's role in halal certification, while MUI's role in halal certification remained marginalised. Thus, contemporary MUI streamlined their efforts to pressure the Indonesian state accord it with that role, which Malaysian ulama does not have to do.

# 4 The Ulama Council of Indonesia (MUI) in the Post-New Order

## A Capture in Progress

The justification Suharto gave for establishing MUI (Ulama Council of Indonesia) in 1975 was to unite Indonesian ulama (religious scholars). Its role was to issue national fatwas and publicise government policies. However, throughout the New Order, MUI constituted a strong case of co-optation.[1] Suharto pressed MUI to adopt Pancasila and not to issue fatwas that conflicted with state wishes (Hooker, 1997, p. 16). Bramantyo observed MUI's "main function was to coerce the population into accepting government programs that were problematic in respect to Islamic tradition, such as mandatory birth control or raising money through the sale of national lottery tickets" (Bramantyo, 2009). As such, MUI was derided as "Majelis 'Ular' Indonesia" (Council of Indonesian Snakes) (Feillard, 2010, p. 172).

However, recent research paints a more subtle picture of the changing behaviour of MUI ulama: from being state stooges to asserting themselves and making progress towards state capture (Moch Nur, 2005, 2010; Nadirsyah, 2004; Ricklefs, 2012; Wahiduddin, 2004).[2] These works suggest that MUI influenced President Susilo Bambang Yudhoyono's government more than it did under previous regimes. Ricklefs (2012) suggest that in the post-Suharto era, government was becoming a tool of MUI (p. 319). A clear example, Ricklefs notes, is Yudhoyono's opening speech of MUI's 7th MUNAS in 2005:

> We open our hearts and minds to receiving the thoughts, recommendations and fatwas from the MUI and ulama at any time, either directly to me or to the Minister of Religious Affairs or to other branches of government. We want to place MUI in a central role in matters regarding the

1 MUI's co-optation did not occur only at the national level, but the regional levels as well. See Arskal (2008, pp. 154-156) for the Aceh MUI case.

2 Moch Nur (2010), in MUI's magazine *Mimbar Ulama*, underscores MUI's increasing confidence to act independently during the post-Suharto period. Not only was MUI critical of Abdurrahman Wahid when he was president (1999 to 2001), it issued many religious advisories seen as political and undermining the government (Moch Nur, 2005). Today, MUI sees itself now as *khadimu'I ummah* (servants of the community).

> Islamic faith, so that it becomes clear what the difference is between areas that are the preserve of the state and areas where the government or state should heed the fatwas from the MUI and ulama. (Ricklefs, 2012, p. 287)

Another stigma associated with MUI today is that the institution is promoting conservatism and aspiring to purify Indonesian Islam (Crouch, 2009, p. 8; Feillard and Madinier, 2011, pp. 256-259; Nasir, 2014; Ricklefs, 2012; Riddell, 2001, pp. 300-302). Scholars and journalists have accused MUI's fatwas of fanning hatred of religious minorities, including Ahmadiyahs, Shias, and liberal Muslim groups. Some conservative and fundamentalist Muslim groups have also used MUI fatwas to voice their unhappiness towards non-Muslim leaders. A clear example is the massive protests in Jakarta in November and December 2016 denouncing the incumbent governor, Basuki Tjahaja Purnama (Ahok), for insulting Islam. Although MUI leaders are inconsistent in their support for the protests, they did not stop these groups from using its fatwas to belittle non-Muslims.

MUI has gained leverage over the state as it has become more conservative since the 1998 fall of the Suharto government. MUI members have been more vocal in expressing their opinions publicly, and their fatwas are becoming more conservative than those of the New Order period. During the New Order period, the government was instrumental in curbing conservatism within the organisation. The more democratic environment post-Suharto rule has resulted in openness, freedom, less repression, and electoral competition, which give space for conservatives in MUI to express their views openly without fear of repression from the government. Yet, I argue, MUI's influence over the state and society remains marginal in the post-Suharto era, and MUI ulama are struggling to meet most of their requests.

The chapter examines MUI's four capture objectives. MUI's first objective is to strengthen its authority in shariah economics. In 2008, the state accorded one of MUI's institutions, DSN-MUI, authority to determine fatwas on Islamic banking and finance. DSN-MUI could also appoint supervisors for shariah financial institutions. MUI wanted to build on this recognition to have authority over other aspects of shariah economics, such as Islamic insurance and micro-finance. Its second objective concerns the right to control halal certification. Through LPPOM-MUI, it wants to monopolise this lucrative sector by denying other ormas (civil organisations) and the Religious Ministry access because it generates additional funding for the institution and for some of its leaders. Its third objective is to dominate the religious discourse in Indonesia. Members claim that MUI is the *tenda besar*

(big tent) for all Islamic ormas, and they expect all Indonesian Muslims and ormas to follow the Fatwa Commission's rulings. MUI leaders hope to be the only group that can define what correct Islam is. Fourth, MUI desires the authority to pronounce definitely on public morality. It wants its members to sit on censorship boards, and decide what constitutes good Islamic values for the media industry. MUI's primary motivations in striving for these objectives are not solely political or financial, but emerge out of members' genuine belief that they are moving Indonesian Muslims towards the Islamic ideal, or the "Islamic way of life." This thinking emerged during the resurgence movement, as discussed in the previous chapter.

To be sure, MUI has been most successful in overseeing the shariah banking and financial sectors. However, it has struggled to meet its other objectives because they do not have the three capture modalities their Malaysian counterparts have. There is no clear institutional and legal demarcation of authority between MUI and the state. Existing laws in Indonesia are vague in defining MUI's role in the areas it assumes authority such as fatwas and moral censorship. MUI's uncertain responsibilities date back to Suharto's co-optation strategies. Suharto was not interested in empowering official ulama, and relied heavily on repressive tactics to ensure conformity to his policies. Thus, MUI directed much of its resources to revising existing legislation to have the state recognise and strengthen the institution. They also relied on societal conservatism to pressure the state to conform to their requests, especially in the post-Suharto period. The contemporary Indonesian state, however, continues to obstruct MUI's capture. Politicians and Religious Ministry officials are determined to confine MUI's role to the religious sphere. In contrast, the Malaysian state recognises the roles of the official ulama in Malaysia, where the law clearly defines the statutory roles of JAKIM and MKI.

Furthermore, MUI ulama have been unable to articulate their interests around the state's ideology, Pancasila. This results from the nature of the philosophy underlying Pancasila itself, which is religiously neutral. The adoption of Pancasila with its principles of religious tolerance restricted MUI's attempts to "Islamise" the state. As will be discussed later in this chapter, Indonesia's ormas have challenged the enforcement of MUI ulama's halal certification on all food products and banning all forms of immoral entertainment, as violating Pancasila's principles of religious neutrality and diversity. In contrast, the constitutional provision in Malaysia – that Islam is the religion of the federation – legitimated Malaysian ulama's conduct, to the extent that they could act autonomously. While the Malaysian constitution guarantees other faiths can practise freely, official ulama ignored them.

Finally, MUI is fragmented. Internal divisions have weakened the institution's ability to lobby politicians to incorporate their requests into existing laws and regulations.[3] Divisions encompass ideological and personal forms. Arguably, these internal differences have affected MUI's image and diminished the public's trust in the institution. The public questions MUI members' true intentions, and their competence in managing Islamic affairs.

## Expanding authority in shariah economics

The shariah banking and finance have grown to be the most lucrative sectors in Indonesia, even though the country is, relatively speaking, a latecomer compared to Pakistan, Saudi Arabia, and Egypt. While the Suharto government recognised Islamic banking in 1983, only in 1999 did Indonesia open its first shariah bank, the Bank Muamalat. Since then, the number of shariah banks increased. By 2010, there were ten. The amount of assets linked to shariah banks also increased. In 2002, the sector's assets were RP7.7 trillion (US$555 million) but in 2010, they reached RP90.4 trillion (US$6,520 million) (Lindsey, 2012b, pp. 189, 192).

In 2008, the DPR passed the Shariah Banking Law No. 21/2008 that accorded MUI the authority to issue fatwas related to the shariah economics sector. The law granted this authority specifically to one of MUI's institutions, the DSN-MUI. The state's endorsement of DSN-MUI's role in shariah economics reflects an aspect of successful capture: MUI ulama can shape shariah economic policies, influence appointments, and generate income for themselves. DSN-MUI seeks to build on this state endorsement to consolidate and expand their authority in the sector.

MUI established the DSN-MUI in early 1999 to issue fatwas on shariah economics.[4] Before 2008, not all DSN-MUI's fatwas had been incorporated into shariah banking directives (M Cholil, 2011, p. 108); but now, DSN-MUI's fatwas have regulatory force on matters pertaining to shariah banking, insurance (*takaful*), and finance. According to Article 26 of the Sharia Banking Law, all shariah-based businesses, products, and services must

3 Slater (2010, p. 5) explains how collective mass actions is mobilised in Southeast Asian and effects elite cohesion. Slater believes that the Indonesian state capacity and party strength is intermediate, compared to the Malaysian case, which is strong for both variables (p. 8).

4 Discussions on the formation of an MUI body overseeing the shariah economy began in 1990. The mission and vision of this body was to educate the masses about what constitute a shariah economy. The creation of this body was first mooted in a convention that questioned the permissibility of bank interest in Islam.

comply with DSN-MUI fatwas. This state recognition of DSN-MUI's fatwas is an achievement for the institution. DSN-MUI's role is not limited to fatwas but also extends to supervision. Article 32 of the law specifies that all shariah banks must establish a DPS (Dewan Pengawas Shariah or Shariah Supervisory Board) within them. Each DPS comprises two to three DSN-MUI-appointed representatives. DPS members act as shariah advisors to the institutions to which they have been appointed, and their task is to ensure all banking and financial operations are consistent with Islamic principles (M Cholil, 2011, pp. 98-99). Their role is to ensure that all banking transactions are free from *riba* or bank interest, which the Quran forbids (Sekretariat DSN-MUI, 2010, p. 1).[5] DSN-MUI requires conventional and commercial financial institutions with shariah departments to form DPS.

Structurally, DSN-MUI functions like an "MUI" within MUI. DSN-MUI's leadership structure has two levels: the Management Board (Pleno) and the BPH-DSN (Badan Pelaksana Harian Dewan Syariah Nasional or Executive Board of the National Shariah Board). The Management Board has 37 members and its role is to chart the direction of the institution. The BPH-DSN has 21 members and takes charge of the day-to-day running of the institution and issuing fatwas (M Cholil, 2011, p. 85).[6] One has to contrast DSN-MUI fatwas to MUI Fatwa Commission ones. Fatwa Commission rulings are legally non-binding. DSN-MUI publishes its fatwas in a separate book from the Fatwa Commission ones (DSN-MUI, 2012). Reflecting its intent to be a global player in shariah economics, DSN-MUI also publishes its fatwas in Indonesian, English, and Arabic. In contrast, the Fatwa Commission publishes its fatwa compilation in Bahasa Indonesia only.

## DSN-MUI's push for shariah economics

DSN-MUI members were generally satisfied with the state's endorsement of their authority over shariah economics (DSN-MUI, 2011, pp. vi-vii).[7] During the 2010 MUNAS (National Congress), they did not make any further

5 See Bank Indonesia, 2008; Sekretariat DSN-MUI, 2010.

6 This perspective I gathered during my interviews with MUI leaders. With the formalisation of DSN-MUI's role in 2008, Lindsey (2012c) admits that MUI has begun to accrue quasi-legislative powers that resemble those enjoyed by the state ulama councils and mufti elsewhere in Southeast Asia, but that has not previously been available to any modern Indonesian fatwa-producing body (p. 254).

7 The leaders who have given this endorsement include President Susilo Bambang Yudhoyon, Vice-President Boediono, former Finance Minister Sri Mulyani, and former Coordinating Minister for Economic Affairs Hatta Rajasa.

demands pertaining to the sector (Majelis Ulama Indonesia, 2011b).[8] As mentioned, DSN-MUI has the authority to determine whether institutions meet the "shariah" standards. Financial institutions that meet the shariah standards will receive certificates from DSN-MUI. So far, DSN-MUI has issued shariah certificates to quite a few banks – for example, BNI Shariah, Mandiri Bank Shariah, and HSBC.

Financial institutions requiring DSN-MUI certificates need to undertake several steps. They must send representatives to explain the nature of the institution's financial transactions and source of capital to DPS officials. DSN-MUI requires these financial institutions to reveal who is managing the shariah-compliant departments. The DPS members provide assistance to financial institutions once they meet their conditions. The task of these advisors in DPS is to determine whether every activity is shariah compliant. These advisors are tasked with providing opinions on ways to develop shariah-based products. These advisors act as a bridge between the enterprises and DSN-MUI.[9]

In the same vein, only DSN-MUI members can appoint shariah advisors in financial institutions, preventing those who are not in MUI from these positions.[10] They see themselves as the only competent advisors on jurisprudential matters related to economics, including the ability to distinguish halal (permissible in Islam) transactions and un-Islamic investments (Muhammad Syafi'i, 2001, p. 34). DSN-MUI's role manifests two aspects of successful capture: its members have a monopoly over the discourse on shariah economics; and they can influence appointments of personnel in financial institutions. According to Ma'ruf Amin, the Chairman of MUI who is also an active DSN-MUI member,

> The problem is that institutions that have the authority to manage finances, both banks and non-banks, are not equipped with the authority in shariah. The Indonesian state is not a religious state and also not a secular state. For example, Bank Indonesia, which all this while has been authorised by the laws and mandated to manage the banking sector, does not have the authority to determine whether the operations or products carried out by Islamic financial institutions are in line with shariah principles. (Quoted in M Cholil, 2011, p. vi)

8 This is different for other issues – such as halal certification, pornography bills, and religious deviance – where MUI requested the state to formally endorse its role.

9 Interview with Aminudin Yakub, member of Dewan Shariah National, 3 December 2012.

10 Some members of the ormas are also in MUI.

Ma'ruf is implying that DSN-MUI's role is to complement the state's and the Indonesian Central Bank's incompetency in Islamic jurisprudence. M Cholil Nafis, a DSN-MUI member, echoes Ma'ruf's views. He adds that DSN-MUI members have a role in equipping bank managers with *fiqih muamalah* or Islamic jurisprudence concerning trade because there are no other channels for bank personnel to learn about Islamic banking (M Cholil, 2011, p. 98).

DSN-MUI members feel that they are persons of good character and high learning, giving them exclusive rights to determine appointments in shariah financial institutions. They claim that they will not appoint "immoral" persons. By an immoral person, they refer to someone who has a poor record of accomplishment in the financial sector, has taken credit loans from banks, and has not paid those loans.[11] DSN-MUI members also judge a person's morality by the quality of his religious practices and rituals. If the person does not carry out his prayers, or is caught gambling, then he will not be appointed into the DPS. These moral standards apply for all the ulama in MUI.[12]

DSN-MUI has published many articles presenting their projections for shariah economics. Through these publications, DSN-MUI hopes to draw investment into the sector, raising demand for DSN-MUI's services. In 2011, DSN-MUI published the *Direktori Shariah Indonesia* (Sharia Directory of Indonesia), which contained exaggerated projections. DSN-MUI forecast that by 2023, for example, the Indonesian shariah financial sector will overtake other Islamic countries including Egypt and Turkey. DSN-MUI is upbeat about Indonesia eventually overtaking countries such as United Kingdom, Yemen, Syria and United Arab Emirates (UAE). By 2023, DSN-MUI hopes that Indonesia will have overtaken its closest neighbour Malaysia, whose current asset holding is the largest in Asia (DSN-MUI, 2011, p. 17). Current statistics, nevertheless, suggest that DSN-MUI will not achieve any of its forecasts. In fact, Indonesian Islamic banks have struggled to meet the earlier targets set by Bank Indonesia, to increase market share to 5 per cent by 2008 (Rifki, 2013, p. 127). The Islamic Finance Outlook Report for 2016 suggests that no Islamic Indonesian Islamic banks made it to the top five banks in Southeast Asia, based on assets (Putri, 2016).

DSN-MUI employs the language similar to that used by the Islamic resurgence movement of the 1970s to increase demand for its services. Its members repeatedly profess that Islam has its own systems and values as opposed to Western and secular values. They also claim that Islam endorses

11 Interview with Aminudin Yakub, 3 December 2012.

12 Interview with Ichwan Sam, 7 December 2012.

a universal system that can be found in shariah economics. To quote from the *Direktori Shariah Indonesia*:

> History shows that the development of the Islamic financial industry requires a very long process to achieve its present state, which leads to the formation of Islamic banks, insurance and capital markets. This history began with the birth of Islam 15 centuries ago. Islam recognises *muamalah* [trade] principles and bridges law of human relations to covers trade relations in a broad sense. (DSN-MUI, 2011, p. 15)

Some MUI members applied anti-Western reasoning to promote Islamic banks. They argue that the capitalist system is very exploitative, and hence Indonesia needs shariah economics.[13] This only reflects DSN-MUI's endeavours to consolidate its dominance in the shariah economics sector. It claims to be competent in both theological and economics matter and morally upright, supervising financial transactions with the leadership qualities to drive Indonesian shariah economics forward. It uses emotive language to market DSN-MUI's services distinct from the pitches of conventional financial institutions.

**Expanding shariah economics beyond banking and finance**

Since 2008, DSN-MUI has sought to expand its authority in shariah economics to other financial sectors. These sectors include insurance, pensions fund, venture capital, credit, commodities, pawnshop, capital markets, corporate, and finance (DSN-MUI, 2011). After the shariah banking and finance sectors, another developed sector DSN-MUI is managing is insurance. DSN-MUI appoints shariah supervisors in Islamic insurance companies. According to the *Direktori Syariah Indonesia*, Islamic insurance offers life protection and assistance schemes that follow the principle of *tabarru,* where insurers agree to donate part of their contributions to help the needy. The directory indicates that these *tabarru* contracts do not contain *gharar* (deception), *masyir* (gambling), *riba* (usury), *zulm* (persecution), and *risywah* (bribery) (DSN-MUI, 2011, pp. 64-65). The directory also specifies that such immoral practices are prevalent in conventional insurance schemes. Nonetheless, the directory does not provide any evidence on how these conventional insurance schemes contain such immoral practices.

13 Interview with Slamet Effendy Yusof, 5 December 2012.

Are DSN-MUI members committed to bringing Muslims closer to Islam, or are they fulfilling personal interests? At the outset, they claim to be acting on Islamic principles, developing Islamic alternatives to conventional financial institutions and businesses. Yet, DSN-MUI members also want a stake in the aforementioned sectors so that they can generate additional funds for their institution, and for themselves, by increasing the number of patrons for the services they are offering.

DSN-MUI also wanted a role in the Haj and umrah sectors, which has been overseen by the Religious Ministry (under the Haj Directorate General or Ditjen Haji). The Haj is the fifth pillar of Islam where Muslims undertake their pilgrimage to the holy city of Mecca in Saudi Arabia. The Haj is held annually on the twelfth month of the Islamic calendar, and, on average, 200,000 Indonesians travel to Mecca. The umrah is a short-term pilgrimage to Mecca available to Muslims at any time of the year. DSN-MUI regulations dictate Muslims can only use funds kept in "interest-free" banks to finance Haj and umrah, implying Muslims can only use funds kept in shariah banks registered with DSN-MUI. Because of this, DSN-MUI wants the Religious Ministry to recognise its role in the Haj and umrah sector and help develop the shariah-banking sector.

**Personalised capture in DSN-MUI**

The *Direktori Shariah Indonesia* shows that DSN-MUI's venture into Islamic economics has given rise to a few powerful individuals. Syafi'i Antonio is the shariah supervisor of five banks. One of them, the PT Bank Syariah Mandiri is the country's largest shariah bank. Syariah Mandiri PT controls a quarter of the market among the big 11 Islamic banks in Indonesia.[14] Syafi'i also holds appointments in the Islamic Banking Committee at the Central Bank of Indonesia, Central Bank of Malaysia, and the Dubai-based Global Shariah Board of Al-Mawarid Finance and Insurance.[15] In 2010, President Yudhoyono appointed Syafi'i as a member of KEN (Komite Ekonomi Nasional or National Economic Committee), which advises the president on economic matters. In addition, Syafi'i is a successful entrepreneur. He is CEO of the Islamic-based Tazkia Group and the chairman of Tazkia University College of Islamic Economics. He also established the AIC (Andalusia Islamic Centre) located in Sentul Bogor. The 25,000 square-metre AIC houses the STEI TAZKIA Campus, a mosque, a multi-purpose centre,

14 Global Capital, 2013.

15 See Syafi'i Antonio, 2014. Syafi'i also owns the Tazkia Travel and Tours.

the Andalusia Converts Centre, and the Andalusia Commercial Centre (Edy Supriatna, 2011).

Ma'ruf Amin, currently the chairman of MUI, holds the highest number of appointments as a shariah supervisor – at least eight banks and insurance companies. Senior MUI leaders typically supervise between one and three banks. According to the *Direktori Shariah Indonesia*, Hasanuddin (MUI Fatwa Commission chairman), Didin Hafidhuddin and Muhammad Gamawan Yasni only supervise one bank each.[16] MUI Chairman Sahal Mahfudz (before he passed away on 24 January 2014) sat in only two financial institutions: the AJB Bumiputera 1912 and Bank HSBC Indonesia PT (DSN-MUI, 2011, p. 33). Din Syamsuddin, MUI's former chairman and former head of Muhammadiyah, is the shariah supervisor for Bank Syariah Bukopin PT and Bank Danamon. The MUI secretary general, Ichwan Sam, supervises three financial institutions in total: they are Bank Maybank Syariah, Asuransi Jiwa Syariah Al Amin, and Reasuransi Internasional Indonesia.

DPS members kept silent when asked whether they are paid by the banks and insurance companies they supervise. If they do receive payments, it raises serious questions about their objectivity in the way they approve financial transactions. However, little information is available on their compensation. MUI has not been forthcoming in providing this information and does not publish or publicly discuss their financial accounts (Lindsey, 2012c, p. 266). When asked about how much banks pay DPS members, my interviewees from DSN-MUI demurred.

DSN-MUI's venture into expanding shariah economics has accelerated Ma'ruf Amin's rise in the public domain, becoming the institution's spokesperson on shariah economics. He has been invited to speak in conferences and has published many books on the subject. In May 2012, he received an honorary doctorate (*honoris causa*) from UIN Syarif Hidayatullah for his contributions towards the country's development in Islamic banking and finance sectors. During the award ceremony, Professor Atho' Mudzar – who in 1993 published a doctoral thesis critical of MUI – hailed Ma'ruf as the person who made a breakthrough in Islamic banking through the revitalisation of classical concepts (Ahmadie, 2012, p. 21). In reality, Ma'ruf's views, as presented his *Era Baru Ekonomic Islam Indonesia* (Ma'ruf, 2011), are a mishmash of key ideas from other Islamic scholars. They lack originality, which reflect his background as a politician rather than an economist.

16 Hasanuddin supervises Bank Danamon while Didin Hafidhuddin and Muhammad Gamawan Yasni are supervisors for Bank BRI Shariah.

Ma'ruf has been a member of the DPR for three parties: NU, PPP, and PKB (Partai Kebangkitan Bangsa or National Awakening Party). In 1971, he was elected as NU's DPRD (Dewan Perwakilan Rakyat Daerah or Indonesian Regional Legislative Assembly) member for Jakarta at the age of 28 (Asrori, 2013).[17] Later, Ma'ruf became a politician in PKB.[18] While Ma'ruf was very active in politics, there is little indication that he received any formal training in economics. As his biography *70 Tahun Dr KH Ma'ruf Amin* indicates, Ma'ruf's educational background was mainly in the religious sciences. He is a graduate from pesantren Tebuireng in Jombang and Ibn Khaldun University (Asrori, 2013).[19]

Ma'ruf's active involvement in DSN-MUI propelled him into the state's power structure during the Yudhoyono presidency. He served as a member of the Wantimpres (Dewan Pertimbangan Presiden or Presidential Advisory Council), which is an advisory body to the president separate from the cabinet. Wantimpres members have a significant influence over policy-making, and they may be required to attend cabinet meetings or accompany the president on state and working visits (Butt and Lindsey, 2012, p. 38).[20] Ma'ruf's appointment is a great recognition for a kiai who had limited influence in the religious domain. He founded the relatively unknown Pesantren An Nawawi Tanara in Tangerang, Banten. In 2015, he became the chairman the MUI and also the "spiritual guide" of NU.

The rise of the likes of Ma'ruf Amin and Syafi'i Antonio show elements of personalised capture. They are able to occupy important positions in the state, which then connects them to business networks, enabling them to become successful entrepreneurs. I am not suggesting that they are not genuine entrepreneurs, but the networks propelled them to success. Personalised capture is a subset of institutional capture, which is reflected in MUI's ability to obtain state recognition on the shariah economics sector. The possibility for personalised capture attracts ulama to MUI, even though

17 Nevertheless, he did not run as a candidate in 1982. Ma'ruf later left PPP because he believed that NU had been sidelined, after PPP was led by Parmusi leader Jaelani Naro from 1978 to 1989.

18 During the Abdurrahman Wahid presidency, Ma'ruf fell out with the NU and PKB leadership. Abdurrahman Wahid denied Ma'ruf a senior PKB position. After this fallout, Ma'ruf sought to re-establish himself with MUI and became less active in NU (Asrori, 2013, p. 27). Ma'ruf also clashed with Abdurrahman Wahid's pluralist values (Preston, 2012, p. 170). Ma'ruf Amin threatened to leave NU if they did not declare Ahmadiyah deviant. Interview with Rumadi Ahmad, Program Coordinator, Wahid Institute, 3 December 2012.

19 Ma'ruf also claims his authority through his genealogy. He is the grandson of famous Syeikh Nawawi al-Banten.

20 See Dewan Pertimbangan Presiden, 2014. Since 2010, Ma'ruf Amin has served on the Interreligious Relations Committee, but from 2007 to 2009, he served on the Religious Life Committee.

the institution's influence in the religious domain is questionable. Institutions such as MUI provide avenues for ulama to tap the state's resources or to propel themselves into the state power structures.

**Can DSN-MUI build on its success?**

While DSN-MUI is a case of successful capture, the institution continues to face several constraints in achieving dominant status in shariah economics. Certain provisions in the 2008 Sharia Banking Law, for instance, illustrate that DSN-MUI's role is more limited than its members' would like.[21] According to Lindsey, the 2008 law confirms that Indonesia's Central Bank, not DSN-MUI, has the final authority over Islamic banking in all aspects (Lindsey, 2012a, p. 122). He writes that

> The 2008 Islamic Banking Law did not radically alter the existing laws intended to "tidy up" inconsistencies, and it explicitly stated in art. 69 that the 1992 Banking Law, as amended by the 1998 Banking Amendment Law, continued to apply to the extent not inconsistent with the new Law. (Lindsey, 2012a, p. 116)

Certain provisions in the law also indicate that DSN-MUI members do not have exclusive powers to determine shariah supervisory board appointments. Article 32, paragraph (2), stipulates that "a Sharia Supervisory Board as considered in paragraph (1) shall be appointed by the General Meeting of Shareholders on the recommendations of the Indonesian Ulama Council." This shows the banks have overriding powers to reject DSN-MUI recommendations, although this has not yet happened.

Nor has DSN-MUI been effective in marketing the sector. Compared to conventional banks, the market share for Islamic banks remains low – in 2009, it stood at 2.6 per cent and in 2010, 3.2 per cent. As of February 2012, the percentage of those who patronise Islamic banks remain at 4 per cent (Rifki, 2013, p. 127).[22] This percentage is below the 5 per cent target set by Bank Indonesia by the end of 2008. Furthermore, as of November 2009,

21 The "Blueprint for Islamic Banking in Indonesia," a document produced by the state in 2002, indicates that DSN-MUI's role is mainly to do with to theological matters. The document remains the guide to state policy in Islamic economics. The blueprint shows that the state is less interested in Islamic traditions or debates, but how the fatwa should be situated in accordance with state regulatory policies and standards (Lindsey, 2012a, p. 122). The passing of the 2008 Shariah Banking Law only affirms this role.

22 Interview with Aminudin Yakub, member of Dewan Shariah National, 3 December 2012.

Islamic banks' share of assets in relation to total banking assets was just 2.49 per cent (Rifki, 2013, p. 98). Given Islamic banks' underachievement, DSN-MUI is unlikely to accomplish its goal as a leading institution in the international Islamic banking and finance sectors, and to overtake United Arab Emirates, Yemen, and Malaysia by 2023. The low demand for Islamic banking services is also seen in other institutions that MUI has helped to setup or manage, such as the BAYARNAS (Badan Arbritese Shariah Nasional or Indonesian National Sharia Arbitration Board) and the BAMUI (Badan Arbritese Muamalat Indonesia or Indonesian Islamic Arbitral Tribunal). In 1993, DSN-MUI created these institutions to resolve disputes over Islamic finance, Islamic banking, and Islamic insurance and their services are available to both Muslims and non-Muslims. However, between 1997 and 2010, only 17 cases were filed to both BAYARNAS and BAMUI (Lindsey, 2012c, p. 263).

## Generating income through halal certification

As MUI has been generally successful in dominating the shariah economics sector, its members hope to replicate this success in the halal-certification sector. Halal certification is another source of income for MUI, apart from funds it receives from the state, and the income generated from shariah economics. Currently, MUI is the largest institution in Indonesia issuing halal certificates for food and drinks, medicines, and cosmetics. The main institution within MUI responsible for halal certification is LPPOM-MUI.

However, its aim to dominate halal certification has been restricted by the Religious Ministry. Competition from NU, which also wanted to be involved in the sector, is likely to limit LPPOM-MUI's role. Between 2009 and 2014, the DPR debated the Halal Certification bill. LPPOM-MUI wanted exclusive authority over halal certification clearly defined in the revised law because its current role has been *de jure* rather than *de facto.* On the other hand, the Religious Ministry insisted that halal certification fell under its authority and MUI's role only concerned fatwas.[23] Furthermore, a series of scandals involving LPPOM-MUI undermined its capture. The media questioned its ability to manage halal certification, and the public began to suspect the integrity of several LPPOM-MUI leaders. The media accused several LPPOM-MUI members of obtaining excessively high commissions from halal certification. Some MUI members admitted that many Islamic

23 This information is provided through my conversations with LPPOM-MUI members.

organisations in Indonesia are weak in clearly outlining the procedures for their services.[24]

## History of LPPOM-MUI

Established in January 1989, LPPOM-MUI's role was to audit food, cosmetics, and medical products and to determine whether they are permissible for Muslims' consumption (Amirsyah, 2012). The institution ensures that these products do not contain traces of pork or alcohol, which the Quran forbids. LPPOM-MUI members include scientists, researchers, and marketing professionals who work closely with the MUI Fatwa Commission. MUI ulama and LPPOM-MUI members work closely together: the MUI issues fatwas on which elements are halal; and the LPPOM-MUI tests products based on scientific methods. LPPOM-MUI owes its formation to a controversial article published in 1988 in a student magazine of the Brawijaya University in Malang (Darul, Van der Meij, and Meuleman, 1995, p. 197). The article indicated that a sample of food products – such as powdered milk, noodles, bread, drinks, and detergents – contain traces of pork meat and fats.[25] This finding sparked outrage within the Indonesian Muslim community.

However, it was the 1999 Ajinamoto controversy that triggered LPPOM-MUI's push for more official recognition. Ajinamoto is a Japanese company that produces food seasoning and cooking oils. LPPOM-MUI auditors complained that there were traces of *bactosoytone* (pig enzyme) found in these products. Normally, these products contain *poly peptone,* a soybean enzyme.[26] On in December 2000, MUI issued a fatwa declaring Ajinamoto products forbidden, and LPPOM-MUI threatened to retract the Ajinamoto halal certificate. MUI's fatwa ran counter with then President Abdurrahman Wahid's views, himself an Islamic scholar. Abdurrahman argued that Ajinamoto products were halal and told Indonesian Muslims not to overreact. There were also economic concerns underlying the president's

24 Interview with Nadratuzzaman Hosen, 12 August 2014.

25 Ichwan Sam recalled how the government forced MUI leaders to clarify the issue to the public. The government invited senior leaders from MUI and they were made to come to a particular place, along with a television crew, and they were asked to drink milk containing forbidden materials. The milk was clearly not halal, and hence they were televised drinking the milk. This was a very disrespectful way to treat the ulama. In the end there were extensive talks with several parties, departments from the ministry, and MUI. This later led to the formation of a halal-certification body. Interview with Ichwan Sam, 3 December 2013. See also Darul, Van der Meij, and Meuleman, 1995, p. 197.

26 Interview with Ichwan Sam, 3 December 2013.

views. In the end, Abdurrahman relented and followed MUI's fatwa, after listening to sentiments from grassroots representatives, including those from NU, and Akbar Tanjung, the head of DPR at the time, who supported MUI's position. As a result, Ajinamoto recalled 3,000 tons of its products from Indonesia.

Building on this success, LPPOM-MUI now wants to be recognised as a leading local and international body in halal certification. It is currently a member institution of the WHF (World Halal Foundation), which has an office above MUI's in Jakarta. LPPOM-MUI also co-operates with 41 other halal-certification bodies to standardise halal procedures internationally (LPPOM-MUI, 2012). MUI leaders claim that LPPOM-MUI is the most competent halal-certification institution in Indonesia because it has well-trained scientists carefully auditing the products.[27]

Companies seeking halal certification for food, medical, and cosmetic products have to follow LPPOM-MUI procedures that can be divided into three broad areas: the pre-audit, audit, and post-audit process (Hosen, n.d.).[28] Once all these procedures are completed, LPPOM-MUI auditors present products that require certification at the weekly MUI Fatwa Commission meetings to obtain halal "endorsement" from the ulama. During these meetings, LPPOM-MUI auditors will present a list of products requiring halal certificates detailing all the ingredients in them.[29] In truth, these presentations are somewhat futile, but it was conducted anyway to formalise the halal-certification procedures. LPPOM-MUI has established a list of ingredients considered halal or *haram* (forbidden) so it is not necessary to present these products at the Fatwa Commission meetings.

In one of such Fatwa Commission/LPPOM-MUI meetings I observed, out of more than 200 products tabled, only one product's status was debated. Furthermore, the ulama were more concerned with the wordings of fatwas than the scientific debates surrounding the ingredients of the product. My impression was that the ulama might not have the necessary expertise and the scientific knowledge to determine whether a product is halal or

27 Interview with KH Ma'ruf Amin, 3 December 2012.

28 The pre-audit stage mainly refers to company preparation to provide the necessary information for their product. During this stage, companies new to the halal-certification process would need to undergo some form of training to prepare the documents correctly. The task of examining the content and ingredients of such products is carried out by the LPPOM-MUI auditors. This examination process is in line with the standard operating procedures as pointed out by MUI Fatwa Commission.

29 The meeting was chaired by the H Hasanuddin AF, head of the Fatwa Commission. Interview with H Hasanuddin AF, 29 November 2012.

not. Undeniably, the same applies to the religious elites of the Catholic Church or Jewish organisations, who also rely on scientific reports before making theological judgements. Nonetheless, it is clear LPPOM-MUI ulama have overstated their role in the halal-certification process because the auditors do most of the work. The ulama's involvement simply lengthens the certification process.

**Dominating halal-certification procedures**

LPPOM-MUI has made several requests to the state to be tabbed as the only institution overseeing halal certification. It wants the state to accord it statutory recognition over halal certification rather than in a series of interrelated regulations (Lindsey, 2012c, p. 266). LPPOM-MUI also wants the state to make halal certification mandatory for all food products in Indonesia. The regulations governing halal certification were confusing. The Ministry of Agriculture, for instance, regulates companies importing carcases, meat, or offal into Indonesia and employs permanent staff to ensure that animal products are halal. This legislation indicates that "officers should be supervised by a halal agency body LPPOM-MUI and the Fatwa Committee of the Central Branch of MUI." Moreover, Article 30(2) of Law 7/1996 states that LPPOM-MUI has the power to issue halal labelling for food products. The regulations mentioned so far reflect the state's endorsement of LPPOM-MUI's rules in halal certification. However, LPPOM-MUI is not a registered institution with KAN (Komite Akreditasi Nasional or National Accreditation Committee) under the Badan Standardisi Nasional (BSN or National Standardization Agency). The fact that LPPOM-MUI is not under KAN contradicts Article 11(1) of government regulation No. 69/1999, which indicates that KAN must accredit any inspection agency for halal food (Lindsey, 2012b, p. 135).

Therefore, LPPOM-MUI has requested the state give it a clear mandate for halal certification. LPPOM-MUI made its request during the Ijtima' Ulama in 2009. MUI established a committee to make recommendations on existing laws and regulations, and one of the issues raised was halal food certification. The committee requested the government conclude the Halal Certification bill swiftly. The bill was initially put forward for enactment in 2009 (Majelis Ulama Indonesia, 2011a, p. 921).[30] The committee recommended the government make halal certification mandatory for all food products.

30 Business groups and food organisations had objected to the enactment because the passing of the bill could have made halal certification mandatory. In fact, for a long time, the state has been reluctant to grant LPPOM-MUI an exclusive monopoly.

During the same Ijtima' Ulama, another sub-committee was convened to recommend the government accord the authority to issue fatwas on food, cosmetics, and medical products to MUI only. The committee made several requests for halal certification to be solely their prerogative. It claimed LPPOM-MUI is the only organisation with the experience, knowledge, networks, and expertise to carry out halal certification at domestic and international levels. It also requested more resources be given to LPPOM-MUI so that it could carry out auditing and observations on certified products, both in Indonesia and elsewhere. It also called on the state to spell out the sanctions for violations of halal certification (Majelis Ulama Indonesia, 2011a, pp. 921-922).

The requests made during the 2009 Ijtima' Ulama were repeated by LPPOM-MUI members subsequently. The committee made these demands because the state wanted to usurp some aspects of halal certification, and other ormas wanted to break MUI's monopoly over the process (to be discussed later). During the 2010 MUNAS, MUI members again demanded that the government and the DPR give LPPOM-MUI exclusive rights to halal certificates to LPPOM-MUI (Majelis Ulama Indonesia, 2011b, p. 135).

Clearly there is an economic dimension to LPPOM-MUI's push for dominant status in halal certification, especially given the potential income it could generate. Determining whether a certain food is halal has fallen within the domain of the market. Some believed that if a product is not labelled as halal it does not sell well.[31] A senior LPPOM-MUI member confirmed the financial gain underlying the disagreement between LPPOM-MUI and the Religious Ministry on halal certification, although, as was to be expected, he blamed the Religious Ministry. He stated that it was keen to be part of the process because the halal certification is quite lucrative. He added that while the ministry agreed that MUI should play a role in issuing fatwas during halal certification, it wanted control over the most profitable part, the issuing of halal labels.[32] Each halal label contains a serial number and fees are charged to obtain this number.

One LPPOM-MUI strategy to strengthen its grip on the sector was to generate demand for its halal certification through shaping Indonesian Muslims' consumption patterns. During the 2010 MUNAS (National Congress), LPPOM-MUI insisted that the public, government, businesses, hotels, the transportation sector (such as aeroplanes, submarines, rail, and bus

31 Interview with Imdadun Rahmat, 30 November 2012.

32 I obtained this information based on my conversation with an anonymous LPPOM-MUI member.

industries), and hospitals prioritise halal-certified caterers (Majelis Ulama Indonesia, 2011b, p. 135). It also urged shariah banks to generously finance companies doing businesses in food, cosmetics, and medical products that have been halal certified by LPPOM-MUI (Majelis Ulama Indonesia, 2011a, pp. 916-920).[33] In 2013, LPPOM-MUI issued a statement stating most medicines circulating in the country were haram and that the government must ensure Muslims consume halal-certified medicines (*Jakarta Post*, 2013). This angered the IDI (Indonesian Doctors Association). These LPPOM-MUI dictates for Muslims to only use or consume halal-certified products demonstrate how LPPOM-MUI sought to expand its role in halal certification through shaping Muslims' consumption behaviour. LPPOM-MUI adopted the most conservative positions regarding consumption, prioritising the contents and ingredients of medicines instead of their ability to heal. However, many Indonesian Muslims have disregarded LPPOM-MUI's position because food without halal labels does not mean they are forbidden in Islam; many believe they have the freedom to decide for themselves what is permissible and what is not in Islam.

## The tussle between the Religious Ministry and LPPOM-MUI

LPPOM-MUI's quest for dominance in halal certification has been impeded by challenges posed by the Religious Ministry and rival ormas. The Religious Ministry emphasise that no organisation should have a monopoly over halal certification and that the role of MUI and other ormas should be restricted to theological domains.[34] The ministry asserts that MUI religious opinions were not legally binding and suggested MUI is only one of the many institutions registered under it providing religious opinions to the state and, importantly, MUI does not have monopoly status over religion. In other words, the state has the authority to accept or reject MUI's fatwa.

33 The recommendation stated that "[t]he government and DPR should only give halal certification rights to a body (LPPOM-MUI) that is competent and has credibility in shariah" (Majelis Ulama Indonesia, 2011b, p. 135). Dr Ali Mustafa Ya'qub and Asrorun Ni'am Sholeh signed this recommendation.

34 The state has been consistent with this view. In 1997, discussions on halal-certification methods involved many ministries and agencies, such as the Ministry of Health, Ministry of Religion, Ministry of Food, Ministry of Trade and Industry, the manufacturing sector and MUI. At that meeting, the MUI representative walked out. The state official wanted to be involved in halal certification, but MUI was adamant that the procedures for halal certification should all belong to LPPOM-MUI solely. MUI officials reiterated that only the LPPOM director, MUI's Fatwa Commission, and MUI's chairman could sign halal certificates (Wahyuni, 1997). Interview with Nasaruddin Umar, Vice-Minister of Religion Indonesia, 7 December 2012.

In March 2014, Suryadharma Ali, the then Religious Minister, said that MUI should not have a monopoly over halal certification. He argued that the state should have authority over halal certificates in order to avoid "jealousy" from other ormas (Sihalolo, 2014). Suryadharma then proposed the setting up of BPN2H (Badan Nasional Produk Halal or National Body of Halal Products) – a body directly answerable to the president and the religious minister – to replace MUI (Dewan Perwakilan Rakyat Republik Indonesia Republik Indonesia, 2014). The draft Halal Certification bill indicates that BPN2H has the authority to issue halal certificates that contain registration numbers (the conclusion of the bill will be discussed shortly).

MUI and LPPOM-MUI leaders insisted that their role in the sector should be retained. This is somewhat a compromise position given that the state has threatened to dilute MUI's role. Responding to Suryadharma's comments, Ma'ruf Amin said that MUI represents all Islamic organisations. According to Ma'ruf, "MUI is not a civil organisation. It is not the same as NU, Muhammadiyah and other Islamic groups. MUI is a union of a sort, representing a number of civil organisations" (Sihalolo, 2014). Similarly, Lukmanul Hakim of LPPOM-MUI quickly chided the state for trying to be a "superpower" in halal certification (*Tempo*, 2013).

The Religious Ministry reacted to the stalemate by allowing more competition for MUI. In early 2012, the Religious Ministry permitted NU to set up its own halal-certification body, the BHNU (Badan Halal Nahdlatul Ulama or Nahdlatul Ulama Halal Body). Its head, Maksum Mahfudh, said that NU did not form an alternative halal-certification body to confuse the community but rather it aimed to accommodate the demands of the community, namely the producers and consumers who are NU members. For those who are not NU members but trust our halal labels, we are ready to accommodate as well (*Duta Masyarakat*, 2012). NU's move has invited criticism from MUI. Its members have highlighted the possibility of a conflict of interest in a case in which BHNU certifies a product halal that LPPOM-MUI does not. They also claim that too many halal-certification bodies may lead to complications and confusion.[35]

Still other internal factors have hampered LPPOM-MUI's monopolistic quest. Notably, LPPOM-MUI has developed a reputation for incompetence. Since 2009 there have been repeated failures in preventing manufacturers

35 While welcoming NU's setting up of a halal-certification body, Amidhan remarked that MUI already represents other organisations. Members of MUI include those from NU and Muhammadiyah (*Duta Masyarakat dan Jurnas*, 2012). According to Amidhan, MUI is doing this because it is MUI's role, he is assuming the law clearly defines MUI's role.

from duplicating LPPOM-MUI halal labels. There have been complaints of meats carrying LPPOM-MUI halal labels contain pork. Amidhan, an LPPOM-MUI leader, admitted that they might have been conned into issuing halal certificates for dried beef products (*dengdeng*) which were essentially pork (*Jakarta Post*, 2009).

There have also been complaints that most halal-certified products in the market lack official LPPOM-MUI approval. In early 2011, the *Jakarta Post* reported that only 36 per cent of the products registered with the Food and Drug Monitoring Agency (BPOM) had official MUI halal certificates (*Jakarta Post*, 2011). The remaining 64 per cent of the halal-certified products carry duplicated labels. That manufacturers can easily copy MUI's halal labels adds to MUI's list of failures. In December 2012, LPPOM-MUI's incompetency was again reflected when a local shoe company, Kickers, faked halal certificates (*Jakarta Post*, 2012a). LPPOM-MUI's halal label were found on Kickers shoes that contained pigskin (with the label "pig skin lining") in a shop located in Sogo Plaza in Senayan, right in the heart of Jakarta, a stone's throw from LPPOM-MUI's office (Mokhammad Kaiyis, 2012).

The media has reported that LPPOM-MUI members have accepted bribes. In 2009, an investigation by Transparency International Indonesia revealed the quasi-systematic bribery that pervades the organisation (Feillard and Madinier, 2011, p. 259). There was, however, no follow-up to this allegation. In February 2014, *Tempo* ran a series of articles detailing bribery linked to Amidhan and Lukmanul Hakim. It reported that the two received bribes from a halal-certification dealer based in Australia (*Tempo*, 2014b). *Tempo* accused Amidhan of holding unaccounted for deposits in his bank accounts. These transactions include A$3,000 (US$2,086) transferred to his bank account in Australia in March 2013 and another worth A$10,000 (US$6,956). Officially, halal-certification authorisation overseas involves no fees, although officials involved can receive payments for transportation and accommodation costs. It was alleged that the AHFS (Australian Halal Food Services) made these bank transfers to Amidhan, because the AHFS feared that LPPOM-MUI would revoke its right to issue certificates (Kartika and Hidayat, 2014). Although LPPOM-MUI revoked AHFS's right to issue certificates, LPPOM-MUI allowed AHFS owners to re-group under a new name, the Halal Certification Council.

According to Moueldy, the president of the Halal Certification Authority (another halal-certification body based in Sydney), bribery is most expedient way for an overseas company of obtaining certification rights from LPPOM-MUI. In 2006, Moueldy led a delegation representing six Australian corporations to Jakarta to discuss joint co-operation over halal licensing

in Australia. Between 2 and 8 April 2006, seven LPPOM-MUI assessors visited Australia to conduct assessments on corporations to determine whether they followed the halal guidelines. These assessors requested A$300 (US$208) per diem for each person, and their visits were in the following order: to Perth, Melbourne, Sydney and Queensland. Moueldy recalled that at the end of the trip, he had to pay A$26,000 (US$18,085) to five of the officials (Ma'ruf Amin and Ichwan Sam had returned earlier), more than double what was originally agreed. He said that Amidhan received the highest payment compared to the other delegates (*Tempo*, 2014e). While officials are entitled to per diems, the crux of the problem is that there is an overreliance on people-to-people ties rather than procedures and standards in the halal certification process, which raises questions regarding transparency.

LPPOM-MUI members did not make any substantive clarification when refuting *Tempo*'s allegations. Instead, Amidhan and Lukmanul Hakim attacked Moueldy and the owners of *Tempo*. The March 2014 edition of *Suara Islam* defended MUI members. It carried the following headline: "Smear Campaigns towards MUI Is an Attack on Islam" (*Suara Islam*, 2014). Amidhan refuted all allegations, claiming that Moueldy had slandered him (*Tempo*, 2014a). Amidhan claimed he had the right to receive a gratuity because he was no longer a civil servant.[36] Tellingly, the MUI chairman then, Din Syamsuddin, did not issue a statement defending Amidhan throughout the controversy. In the same vein, some MUI leaders I spoke to declined to defend those members involved in the scandal.[37]

## What lies ahead for LPPOM?

MUI relies on societal conservatism to add political force to its lobbying the state for its dominance over aspects of Muslim affairs. The LPPOM-MUI scandals may have dented its appeals for sole authority over halal certification, but it has not decided to slow down its campaign. LPPOM-MUI leaders continue to lobby politicians extensively. In 2012, an MUI board member, Amidhan, along with the LPPOM-MUI director, Lukmanul Hakim, went to PKS to garner support for the passing of the long overdue Halal Certification bill. Amidhan said, "It would be better that the new bill would not allow any other body other than MUI to issue halal certificates.

36 Amidhan had been a former director-general for Haj affairs in KEMENAG (Kementerian Agama Indonesia or the Indonesian Religious Ministry) before he retired in 1996 to join MUI.

37 Conversations with senior MUI member.

If the government wants to participate in halal certification, they should participate in post-certification process" (*Republika dan Pelita*, 2012). In April 2013, Ma'ruf Amin, Amidhan, and Umar Shihab sought an audience with President Yudhoyono to expedite the bill in the DPR (*Republika*, 2013b). Although the President gave this authority to LPPOM-MUI solely, the final decision rested with the DPR. There, LPPOM-MUI also sought the support of PAN (Partai Amanat Nasional or Indonesian National Mandate Party). LPPOM-MUI also extended their campaign for halal-certification monopoly status to the public (Febrianindya, 2012).

Discussions of the Halal Certification bill have been held in two separate DPR sessions (2004-2009 and 2009-2014). It was only in September 2014, during the final days of the 2009-2014 session, that the bill was passed. MUI's role was expanded from the original bill. The law states that MUI has authority to accredit halal supervisory bodies (Hukum Online.com, 2014). However, the law affirmed that BPJPH (Badan Penyelengara Jaminan Produk Halal or Halal Accreditation Body), a body that answers directly to the Religious Ministry, has the authority to determine halal standards, issue halal certificates, and revoke certificates. MUI's role is restricted to issuing fatwas. MUI was again denied the lucrative part of the process for which it has always pined: issuing halal labels. However, the result does not mean a total defeat for MUI but a compromise of some sort between the government and the MUI.

Despite its failings domestically, LPPPOM-MUI could still rely on international markets to generate income from halal certification. Illustratively, it has been active certifying products manufactured in China.[38] There are a number of international companies exporting their products to Indonesia and other parts of the Muslim world, requesting LPPOM-MUI's assistance. LPPOM-MUI, however, faces strong competition from ulama institutions in Malaysia (JAKIM) and Singapore (MUIS). Both JAKIM and MUIS are ahead of MUI in the halal-certification business. On the 16 August 2004, the Malaysian government launched the MIHAS (Malaysia International Halal Showcase). In his address during the launch entitled, "Window to the Global Halal Network," the then prime minister, Abdullah Badawi, pointed out the government's priority was to established a global halal network (Fischer, 2008, p. 223). In September 2014, Singapore's MUIS (through Warees Halal) signed a landmark deal with a Japanese in-flight catering company,

38 I made this observation during my attendance in one of the fatwa meetings for halal certification.

TFK Corporation, which certifies its catering in Narita Airport in Tokyo (Norhaiza, 2014).[39]

In all, LPPOM-MUI's capture does not match the success of DSN-MUI in shariah economics. While it has made inroads securing important business deals with international companies, it continues to struggle to monopolise halal certification in Indonesia. LPPOM-MUI's image has been hit by recent scandals involving its leaders, though the institution has not collapsed. These scandals only provide excuses for the state to deny LPPOM-MUI's claim for the monopoly in the halal-certification process. LPPOM-MUI authors its own low public trust which limits capture.

## Dominating the religious discourse

Scholars and Indonesian activists often point to MUI's 2005 SIPILIS fatwa – referring to secularism, pluralism, and liberalism as deviant ideologies – as an example of MUI's attempt to situate itself as the judges of religious piety (see, for instance, Gillespie, 2007).[40] I agree that MUI wishes to have the final word on religious matters. Through issuing this fatwa, the MUI Fatwa Commission wanted to stamp its authority on judgements of "correct" Islam. As we will see below, MUI members requested the Yudhoyono government to ban the Ahmadiyah sect and restrict Shiism. They have also urged Indonesian Muslims to be beware of liberal Islam for its promotion of Western values. In the following paragraphs, I discuss how MUI sought to dominate the religious discourse in Indonesia. I argue that MUI has made inroads in getting the state to ban the Ahmadiyah, but has been struggling to restrict Shias and liberal Islam. MUI's failures result from internal fragmentation and its inability to mobilise a Muslim majority to support their cause.

### Restricting the Ahmadiyah

Followers of the Ahmadiyah sect have peacefully co-existed with other Indonesians for decades. Their presence in Indonesia was noted as early as 1925 and their numbers have grown exponentially since 2008 – the

39 LPPOM-MUI officials said that there was strong competition between the three countries. They constantly pointed out how the halal standards administered by JAKIM in Malaysia were too "lenient" and "not meticulous" by LPPOM-MUI's standards. LPPOM-MUI sees Malaysia's national halal-certification body, JAKIM, as a rival in striving to be the leading halal-certification body in the world.

40 The activists I interviewed during fieldwork pointed this out.

Religious Ministry estimated somewhere between 50,000 to 80,000 (Crouch, 2009, pp. 4-5). Although their population is too small to constitute a threat to mainstream Islam,[41] starting in 2004 MUI members were calling the Yudhoyono administration to ban the Ahmadiyah. While the state did not heed MUI's requests, MUI made inroads thwarting followers from spreading their faith. On this MUI have been united. It has also garnered the support of other radical Islamic groups, Bakorpakem (Coordinating Board for Monitoring Mystical Beliefs in Society or Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat), and several cabinet ministers.[42]

In June 2008, about 400 radical Muslims attacked an AKKBB (Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan or Nationalist Alliance for Religious Freedom and Belief) march. The demonstration took place around MONAS (National Monument) in Jakarta. The AKKBB, which included representatives from 70 organisations, was endorsing the rights of religious minorities, especially the Ahmadiyahs, to practise their religion freely in line with the principles of Pancasila (Crouch, 2009, p. 12). The offending parties included HTI (Hizbut Tahrir Indonesia or Liberation Party of Indonesia), FPI, and FUI (Forum Umat Islam or Islamic Forum), LIPPI (Lembaga Penelitian dan Pengkajian Islam or Islamic Research and Study Institute) and KLI (Komando Laskar Islam or Islamic Para-military Command). The attack left 70 AKKBB protesters injured.

Scholars, human rights activists, and journalists have linked MUI's 2005 fatwa to the violence against the Ahmadiyah (Abdul Khalik, 2008; Crouch, 2012; Human Rights Watch, 2008). During the 7th MUI MUNAS (National Congress) held in July 2005, MUI declared Ahmadiyah a deviant sect, brazenly calling on the state to ban it. Nevertheless, linking this fatwa to the violence is dubious because MUI's position towards Ahmadiyah has been consistent for decades. In June 1980, for example, MUI issued a fatwa

41 The early followers of the sect originated from India in the mid-1800s. Its founder, Mirza Gulam Ahmad, was an Islamic reformist and missionary. Resulting from a split in 1880, the Ahmadiyahs divided into two groups: the Lahore group and the Qadiani group. The former was founded by Muhammad Ali Lohor and considered to be a moderate group. This group sees Gulam Ahmad as a reformer, and not a prophet. Mainstream Islam holds that the last Prophet to be Muhammad, who died in 632. The Qadiani group is deemed more controversial than the Lahore group because the group sees Gulam Ahmad as a prophet (Crouch, 2009, p. 4).

42 The Suharto government established the Bakorpakem in 1994 and allowed officials from the Attorney General's Office (Kejaksaan Agung), the Indonesian military, the National Police, KEMENAG, and the Home Ministry to head the body. The state gave the Bakorpakem the task of mediating between different groups in the conflict. The state placed this co-ordinating board under the attorney general and included representatives from ormas and MUI.

declaring the Ahmadiyah Qadiani deviant.[43] Chairman Professor Hamka and Secretary Dr H. Kafrawi of MUI signed the fatwa. The fatwa states that: "Based on the data and facts seen in nine books about the Ahmadiyah, the Majelis Ulama Indonesia declares that the Ahmadiyah sect is out of the fold of Islam. In handling the Ahmadiyah issue, MUI needs to work closely with the state" (Majelis Ulama Indonesia, 2011a, p. 40).

The state, however, did not act on the 1980 fatwa, although Minister of Religious Affairs Alamsjah Prawiranegara agreed with it. Subsequently, MUI stepped up its efforts to have the Ministry of Justice ban Ahmadiyah. In early 1984, MUI issued a statement during a national convention urging all Muslims to pressure the state to ban Ahmadiyah.[44] The statement also called on all district MUIs to explain to Indonesian Muslims the nature of Ahmadiyah's deviancy. The statement also urged those who had converted to Ahmadiyah to return to the true Islamic teachings. MUI also advised Muslims to be vigilant and not be easily influenced by deviant groups such as Ahmadiyah (Majelis Ulama Indonesia, 2011a, pp. 40-41). However, the Suharto government continued to ignore MUI's appeals (Ismatu, 2010, p. 300), and this continued during the Habibie, Abdurrahman Wahid, and Megawati presidencies. Far from banning the group, in 2003, the Home Affairs Ministry recognised Ahmadiyah's right to exist.

MUI's 2005 fatwa simply restated its 1980 version. One difference was that the former conflated the Qadiyani and Lahore Ahmadiyahs as one. Also, MUI's demand for the state to ban the sect was stronger than its 1984 statement. The 2005 fatwa, signed by Ma'ruf Amin, and the Fatwa Commission chairman, Hasanuddin, demanded, "The state must [*berkewajiban*] stop all attempts to spread Ahmadiyah teachings throughout Indonesia, freeze all organisations associated with the sect, and close all the places where their activities are conducted" (Majelis Ulama Indonesia, 2011a, pp. 98-99).

The coincidence of the issuance of the fatwa and anti-Ahmadiyah attacks led some scholars to assume MUI's fatwa wielded significant influence on the Indonesian state and Muslims (Olle, 2009, p. 106). Preston (2012) states MUI influenced greatly the state's treatment of Ahmadiyah. He describes

43 This can be generalised to the attitude of Muslims in the Southeast Asian region as a whole. Ahmadiyah has never been seen as part of the mainstream. This fatwa only refers to Ahmaiyah Qadiani as deviant, and does not mention the Lahore group.

44 The statement suggests the government's inaction towards the Ahmadiyah has led to uneasiness amongst Indonesian Muslims (Majelis Ulama Indonesia, 2011a, p. 41). The statement also indicated that the ideas promoted by the Ahmadiyah followers were threatening the sanctity of Islamic rituals and posed security problems. Hence, MUI urged the state to retract its seemingly neutral attitude towards the Ahmadiyah.

"the rise of MUI" and MUI as "politically relevant" (p. 167). Preston details MUI's support for the conservative agenda during the relatively weak presidencies of Megawati and Yudhoyono. Similarly, Efendi (2011) argues that MUI has influenced the government's decision on the Ahmadiyah controversy because the state has allowed MUI into the negotiating party to determine and supervise the activities of the Ahmadiyah group.

Preston's and Efendi's treatment of MUI's rise are overstated, although the body has lobbied politicians and galvanised other radical Islamic groups. Since the 2005 fatwa, MUI leaders have continued their denigration of Ahmadiyah. Notably, in late 2007, MUI issued the "Guide for Identifying Deviant Belief Streams" ("Pedoman Identifikasi Aliran Sesat"). The guide provides ten criteria that can help distinguish deviant sects from the "correct" Islam. They are: rejecting the pillars of faith and pillars of Islam; believing and/or following a belief incompatible with shariah; believing that there is revelation after the Quran; rejecting the authenticity and/or the truth of the contents of the Quran; interpreting the Quran without relying on the correct principles of translation; rejecting the Prophetic tradition as a source of Islamic teachings; disrespecting, disgracing, and/or downgrading the prophets and messengers of God; rejecting Muhammad as the final prophet; changing the principles of devotion established by shariah; and accusing other Muslims of lack of belief not based on shariah (Moch Nur, 2012, pp. 172-173).

In January 2008, the state reached an agreement with Ahmadiyah followers. Senior members of the Bakorpakem and representatives from Ahmadiyah signed a 12-point agreement. The agreement guaranteed the Ahmadiyah group would not face any legal challenges or be disbanded but they must accept Prophet Muhammad as the last prophet. Among the state leaders who participated in the signing of the agreement were Religious Affairs Minister Maftuh Basyuni, Home Affairs Minister Mardiyanto, and Attorney General Hendarman Supanji (Human Rights Watch, 2008). Following the agreement, the Religious Ministry and the Home Affairs Ministry then issued an SKB (Surat Keputusan Bersama or Joint Ministerial Decree) that restricted Ahmadiyahs from spreading their faith to others, although they were allowed to practice privately (Platzdasch, 2013, p. 231). Bakorpakem gave the Ahmadiyahs three months to demonstrate their commitment to the 12-point agreement and SKB; the police would closely monitor Ahmadiyah followers, ensuring the agreement was honoured (Preston, 2012). Three months later, the Bakorpakem recommended that the president dissolve Ahmadiyah. The president balked, although he had the authority to do so under Blasphemy Law No. 1/1965.

To what extent did MUI's fatwa on the Ahmadiyahs – issued in the 1980s and reiterated in 2005 – influence the state's decision? On one hand, the

state has also moved to restrict Ahmadiyah from proselytisation activities. Moreover, MUI representatives were also included as part of the negotiating party in formulating the 12-point agreement between Bakorpakem and Ahmadiyah, a recognition of its role in the crisis. MUI through Bakorpakem made such great strides towards getting the state to ban Ahmadiyah that Coordinating Minister for Political, Legal and Security Affairs Widodo Adi Sucipto said that the banning decree was drafted by the Religious Ministry, the Home Ministry, and the Attorney General's Office (Desy, 2008).

Yet, the state's move was not in response to MUI's fatwa alone; other radical groups such as the HTI, FUI, and DDII were making the same demands (Platzdasch, 2013, pp. 225-226). Furthermore, Muslims in Indonesia, and in other parts of the Muslim world, generally doubted Ahmadiyah, whom they considered not part of mainstream Islam, even though members of the sect co-existed in Indonesia with its Sunni counterparts for decades. Their attitude towards Ahmadiyah was different from their attitude towards the Shias, where Muslims around the world are divided about the sect's status in Islam (discussed below). MUI's position also found sympathisers within the cabinet, included Suryadharma Ali (Religious Minister), Gamawan Fauzi (Home Affairs Minister), and Sudi Silalahi (State Secretary). It was easier for MUI and the other radical groups to demand the state disband Ahmadiyah on religious grounds.[45] MUI ulama were nearly able to control the Ahmadiyah issue because conservative public sentiment was generally unsympathetic towards the Ahmadiyahs.

Why then did Yudhoyono not ban the Ahmadiyahs? The Wantimpres did not support the banning of Ahmadiyah and its members argued that the ban was unconstitutional because it clashed with the principles of Pancasila that respects freedom of religion. Wantimpres's collective decision not to ban Ahmadiyah marginalised one of its members' views, Ma'ruf Amin, who had been highly critical of the state's inaction on the Ahmadiyah (Olle, 2009, p. 106). Ma'ruf was the only MUI representative in the Wantimpres. In addition, pressure from human rights groups, international NGOs, the president's own desire to maintain the status quo, and his indecisiveness also worked against a ban on Ahmadiyah.

Neither did the president condemn MUI and other radical groups, which facilitated more violence towards the Ahmadiyahs. Following the MONAS incident, other significant attacks occurred in South Sumatra, in East Java

45 In fact, many progressive Muslims in Indonesia argue for Ahmadiyah's right to practice their faith based on the principle of religious freedom. Seldom do they make the case that Ahmadiyahs are part of Islam.

and Banten, West Java in 2011. Disturbing video footage shows attacks in Banten killing at least three followers and severely injuring five others. MUI Banten had issued a fatwa against the Ahmadiyah (Moch Nur, 2012, pp. 178-182).

### Declaring Shias as deviants

While MUI has had some influence restricting the Ahmadiyahs from any form of proselytisation, the Shia controversy demonstrates the bounds of MUI's influence. A similar MUI demand for the state to restrict Shiism fell on deaf ears. The Shia controversy began in late 2011, where a mob of local villagers and radical Islamic groups torched several houses, hamlets, and madrasahs in Sampang (Madura, East Java). The mob burnt the house and pesantren of a religious teacher and Shia named Tajul Muluk. Some commentators regarded the controversy as a family dispute between two brothers.[46]

Civil rights activists, by contrast, thought that religious mistrust among Sunnis and Shias triggered the conflict (Platzdasch, 2014, p. 3). International human rights groups linked East Java MUI's fatwa to the subsequent violence on Shias and Tajul's arrest (Human Rights Watch, 2013; Amnesty International, 2014). In January 2012, East Java MUI issued a fatwa pronouncing Tajul's teachings as Shia and deviant. It also led the forming of the Gerakan Umat Islam Bersatu (Movement of United Muslims) – an alliance made up of 40 anti-Shia groups in East Java.

To an extent, the East Java government did bow to the pressure. In July 2012, the East Java police charged and jailed Tajul for two years for blasphemy. The blasphemy law, which originated in 1965, considers any form of religious activity (actions or words) that deviates from the country's six recognised religions as a crime. The law was rarely applied under the New Order, but became more evident post-Suharto. Tajul's arrest did not prevent further attacks on Shias. In the following month, a mob attacked Tajul's followers in Sampang. The attack claimed two fatalities and thirty-five torched houses. Over two hundred Shias evacuated their villages. The then Religious Minister Suryadharma Ali said solving the violence would involve converting Shias to Sunni Islam (Aritonang, 2012).

46 Roisul Hukama was outraged that a woman he wanted to wed was persuaded by Tajul to become a Shia. The East Java government called on East Java MUI representatives to act as a mediator, and advised Tajul not to continue proselytising.

Ulama from central MUI regarded the Shia issue as a local one and felt that their East Java counterpart had the right to declare Shias deviant.[47] In 1984, the central MUI fatwa commission issued a ruling critical of Shiism but did not call for the sect's banning. The fatwa, signed by Ibrahim Hosen and Musytari Yusuf (Majelis Ulama Indonesia, 2011a, pp. 46-47), urged Muslims to understand the differences between Sunnis and Shias, and to be vigilant so that Shia teachings would remain constrained. During the New Order, there was no reported violence against Shias.

Some MUI members have spoken against the sect. This "anti-Shia" camp had openly requested the state to ban Shias. Ma'ruf Amin publicly disagreed with Shia teachings. Neither did he condemn the East Java MUI fatwa nor called for the fatwa to be retracted. He did not rule out the Shia issue being raised at the MUI Fatwa Commission in the future (*Antara*, 2012).[48] In 2013, Ma'ruf, Ichwan Sam, and two other MUI leaders, Amirsyah and Yunahar Ilyas, published the alarmist *Mengenal dan Mewaspadai Penyimpangan Syi'ah di Indonesia* (Identifying and Watching Shiite Deviance in Indonesia). The writers' attitude to Shiism was more exclusivist than MUI's 1984 fatwa (Ma'ruf et al., 2013). The book listed websites associated with Shiism and international organisations sympathetic to Shia teachings, warning Indonesian Muslims to avoid them. Although written by central MUI leaders, the book draws heavily on anti-Shia fatwas issued by MUI branches in Aceh (2009) and East Java (2012) (Ma'ruf et al., 2013, pp. 102-130). It does so because the central commission has not issued a fatwa declaring Shias deviant. On the contrary, some MUI leaders, including those from the Leadership Board, publicly approved Shiism as a mainstream Islamic religion. These differences resulted in name-calling among MUI leaders. For instance, Cholil Ridwan accused his fellow MUI board member, Umar Shihab, of being a Shia sympathiser (*Voice of Al-Islam*, 2012).[49] In 2014, Ma'ruf Amin admitted that the MUI Fatwa Commission had not issued a sterner fatwa than the 1984 one because MUI is occupied by "SUSI" – Sunnis sympathetic to Shiism (Shodiq, 2012). To be sure, the anti-Shia camp faced strong resistance from progressives within the institution such as Din Syamsuddin and the late Sahal Mahfuzd. The anti-Shia camp did have an alternative power base to ban Shiism, however, as it had supporters within Yudhoyono's cabinet, including Suryadharma Ali (Aritonang, 2013).

47 This is what I gathered from conversations with MUI leaders at the MUI office.

48 Interview with Ma'ruf Amin, 3 December 2012

49 Umar's brother, the prominent exegete and ulama Quraish Shihab, has written books defending Shiism.

## MUI's internal fragmentation on the Shia issue

Scholars and journalists have tended to exaggerate MUI's influence while paying little attention to the body's internal dynamics. They also fail to address the complex relationship between central MUI and its provincial branches. The attention given to MUI's 2005 SIPILIS fatwa is a graphic illustration. In issuing this fatwa, scholars and journalists held MUI responsible for triggering the attacks on minority groups such as liberals, Ahmadiyahs, and Shias.[50] Chiara Formichi, an Indonesian studies expert, said:

> Many scholars and observers have pointed to the increased weight carried by MUI's "advice" since 2005, and its role in shaping a well delimited form of 'acceptable Muslim behaviour' moulded on a Sunni paradigm has become evident with the anti-Ahmadiyyah attacks first, and the anti-Shi'a violence now.[51]

In reality, MUI is rife with fragmentation. The writings of MUI leaders, such as the late Sahal Mahfuzd, and members of the MUI Advisory Board, such as Nasaruddin Umar, Quraish Shihab, and Azyumardi Azra, suggest their appreciation of religious freedom and diversity. Nasaruddin Umar agreed society should not blame MUI for issuing conservative fatwas, since they come from only a segment within the institution. Instead, analysts should attribute conservative views to specific MUI individuals.[52] In 2012-2013, I noticed these differences in many of my interactions with MUI ulama. Some confided that they disagreed with other members, including on the Shia issue.

The reality is that there are ulama and Muslim intellectuals – both within and outside MUI – who are sympathetic towards Shiism. Former MUI chairman, Din Syamsuddin, has condemned any form of discrimination against Shias (*Kompas*, 2012). NU leaders, for instance, indicated that the religious orientation of majority Indonesian Muslims carries a strong Shia influence.[53]

50 Interview with Ahmad Suaedy, coordinator of the Abdurrahman Wahid Centre for Inter-Faith Dialogue and Peace-Universitas Indonesia (AWCentre-UI), 4 January 2013.

51 See Formichi, 2014. The same can also be said of the contradictory positions taken by NU Pusat and NU Sampang: NU Sampang has declared Shias deviant, but this does not represent the views of central NU. For example, the vice-secretary general of NU, Hanief Saha Ghafur, disagreed with Shias being deemed deviant (Afrilia, 2012).

52 Interview with Nasaruddin Umar, Vice-Minister of Religion, 7 December 2012

53 Interview with Said Aqil Siroj, 2 March 2013.

> Culturally, there is a significant Shia influence in our religious practices. These include the community's attitude towards our religious leaders and the celebration of the Prophet's birthday. Our religious rituals such as the *berzanji* [chanting] do not include praises to the three caliphs – Abu Bakar, Umar, and Uthman – a common practice in many Shia circles. Many of the rituals practised by Indonesian Muslims include praises to the family members of the Prophet [essentially a practice in Shiism]. Shia Muslims carry out rituals such as kissing the hands of the family members of the Prophet, and visiting the graves of pious Muslims. In fact, we have adopted many words of the Persian language.[54]

Shia-sympathetic views of these ulama weaken the authority of the anti-Shia camp in MUI. As Sirry (2013) has pointed out, controversial fatwas issued by MUI only invites criticism from progressives. It also tends to provoke effective counter discourses more powerful than those promoted by MUI ulama.

**Silencing liberal Muslims**

Some MUI members have attempted to prevent liberal Muslims from speaking on Islamic matters. They belittle liberal thinkers' authority, knowledge, and skills. One case occurred in late 2007, in which MUI was rumoured to have persuaded the Religious Ministry to cancel a talk by Nasr Hamid Abu Zayd, an Egyptian-born scholar, who was scheduled to speak in a seminar in Malang (East Java) and at the Annual Conference on Islamic Studies in Riau. Islamic scholars in Egypt regarded Abu Zayd as a liberal, based on his method of interpreting the Quran. In the 1990s, the Egyptian courts had declared Abu Zayd an apostate, which forced him to live in exile in the Netherlands.

Later, the Religious Ministry, by order of Religious Minister Maftuh Basyuni, cancelled Abu Zayd's talk in Malang. Earlier, the Riau government barred him from attending the scheduled conference in Riau at the urging of the province's MUI branch (*Jakarta Post*, 2007). Abu Zayd later accused the Indonesian religious minister of having caved in to MUI's pressure. Abu Zayd said he had received a text stating that MUI had pressured the Religious Ministry to cancel his talks (*Jakarta Post*, 2007).

However, he did not say whether it was the MUI in East Java or central MUI that pressured the Religious Ministry. The latter MUI did not issue an

54 Ibid.

official statement about the banning. In contrast, Din Syamsuddin, under his capacity as Muhammadiyah chairman (he was the MUI vice-chairman then), expressed his concern over the Religious Ministry's decision. He was quoted as saying, "His visit should have been used for clarification [*tabayyun*] with Abu Zayd to find the truth about his thoughts on Islam" (Muhammad Nafik, 2007). Hence, there is little evidence to suggest central MUI had rejected Abu Zayd's presence in Indonesia.

It is possible that the Religious Ministry banned Abu Zayd because the organisers had already circulated the details about the talks to the public. The Religious Ministry feared this might encourage radical groups to create another controversy. Had there been less publicity for Abu Zayd's talks, the Religious Ministry might have allowed them. For instance, the Religious Ministry did not prevent the equally controversial Islamic studies scholar Professor Amina Wadud from speaking at a 2009 international conference organised by State Islamic University (UIN) Jakarta. The conference was hardly publicised (Irma, 2009). Amina is a prominent gender rights activist who, similar to Abu Zayd, had applied the hermeneutical approach in her study of Islamic texts.[55]

While it remains unclear to what extent MUI was involved in Abu Zayd's banning, MUI members do oppose liberal Muslim groups in Indonesia. The 2005 SIPILIS fatwa condemned liberal Muslims and most notably JIL (Jaringan Islam Liberal or Liberal Islam Network). Concerned liberal Muslims understand religious texts (namely the Quran and the Sunnah) through reason, MUI members accuse them of only accepting religious doctrines that parallel their open-minded thinking. They regard liberals as similar to the secularists who separate worldly matters from religion (Majelis Ulama Indonesia, 2011a, pp. 91-92). Yet, ormas leaders challenge hard-line MUI members by saying that if one continues to cite religious traditions and text, then the person cannot be a liberal. Some distinguished NU leaders, for instance, disagreed with MUI's SIPILIS fatwa. To them, as long as the person quotes a verse from the Quran, the person is not liberal. These only reflect differences in terms of interpretations. As long as when he thinks and writes and he refers to the Quran, the person cannot be considered liberal, and this reflects the thinking of majority of Indonesian Muslims.[56]

55 In 2004, Amina invited condemnation from conservative Islamic scholars around the world for leading Friday prayers in which men participated. Conservative Muslims are adamant that only men can lead Friday prayers.

56 Interview with Said Aqil Siroj, 2 March 2013.

Thus, the SIPILIS fatwa indicates the Fatwa Commission's rejection of Islamic liberal thoughts. However, MUI has not been able to prevent liberal Islamic thinkers from speaking in the religious domain. Unlike the Malaysian case, which I discuss in the next chapter, MUI seems to be concerned if the talks by liberal Muslims are well publicised, which may provoke unrest. This is not the case in Malaysia, where official ulama closely monitor liberals, even though some of these talks are not opened to public. Ironically, members of MUI's Advisory Board include such progressives as Quraish Shihab, Said Aqil Siroj, Bachtiar Effendi, and Azyumardi Azra. Members of the Advisory Board do not interfere much in the day-to-day running of MUI's affairs.

**Moralising media and entertainment**

MUI has always wanted to control the way people think and how they behave in public. It wants the state to curb pornography from being widespread in society. It also wants the media and entertainment industry to conform to what it sees as "Islamic" and the state to formalise its role as a morality watchdog. Since 2001, the MUI Fatwa Commission has been concerned about widespread pornography and "porno-action" – which it collectively defines as "erotic behaviours" in the form of "paintings, images, writings, voices, advertisements, and speeches" – in the country (Majelis Ulama Indonesia, 2011a, pp. 416-417). MUI in 2001 issued a fatwa referring to other "sexually suggestive" acts or "tight-fitting" clothing as pornography and porno-action (Majelis Ulama Indonesia, 2011a, pp. 416-417). According to the fatwa, images of men and women dressing immodestly according to Islamic standards must not be available for public viewing.[57] Porno-action includes *khalwat* (an unmarried couple caught being in a secluded place); filming sexual intercourse; and encouraging unmarried couples to have intercourse (p. 417). MUI used the fatwa to lobby the DPR to pass an anti-pornography bill. It intensified the campaign in 2006, after *Playboy*, the American adult magazine, planned to market an Indonesian version. In 2008, the DPR eventually passed the anti-pornography bill. MUI, however, has not been satisfied with this outcome.

MUI felt the bill does not meet its request to have authority in monitoring public morality, unless the state accords it authority to censor films, publications, songs, and clothing. In other words, MUI's attempt to obtain

57 It specifies that men must cover their bodies at least between the navel and their knees; while women must cover their bodies except for their face and palms.

state recognition as moral "gatekeepers" has produced mixed outcomes. Subsequent to the passing of the Law of Pornography and Porno-action, some ministries, media companies, and international artists have consulted MUI whether their proposals – for concerts and television programmes – meet Islamic requirements, even though this is not stated in any legislation. However, MUI faced two setbacks. First, the state did not incorporate most of MUI's requests into the 2008 Pornography Law. Second, the state largely ignored MUI's requests to have a role in censoring textbooks, films, arts, and entertainment. Despite these setbacks, MUI has continued to target artists and models for defying its moral standards.

**MUI's contribution to the Anti-Pornography bill (2008)**

MUI actively lobbied the DPR to conclude the law. It also rallied other radical Islamic groups to support its cause. In 2002, it had established an Anti-Pornography Community Alliance (*Antara*, 2002). In early 2006, Ma'ruf Amin gave the DPR to June of that same year to pass the bill (*Antara*, 2006a). MUI then held a rally at MONAS in protest of the state's inaction and refusal to pass the law. Hizbut Tahrir, DDII, and MMI were among the organisations that participated in the rally (*Antara*, 2006b).[58] While the state asked MUI to help draft the anti-pornography bill, it delayed MUI's repeated requests for the bill to be promulgated.

In 2008, the DPR passed the Anti-Pornography Law (Law No. 44/2008). The Act seeks to educate and raise the moral standards of the community, to set legal guarantees to protect women and children, and to prevent the "commercialisation" of the sex industry (Dewan Perwakilan Rakyat, 2008). Sanctions for those propagating pornography are also outlined in the law.[59] Article 17 indicates that the state has the right to prevent the making, distribution, and the usage of pornographic materials in public. The law also forbids displaying nude images in public and downloading pornography from the internet; and broadly mentions that the state, social institutions, educational institutions, religious institutions, families, and the community should be involved in curbing pornography. MUI could claim victory when

58 These radical groups were not the only ones who pushed the state to pass the anti-pornography bill. The struggles was also joined by other influential ulama; one of them was popular preacher Aa Gym. See Hoesterey, 2013.

59 As at 2014, only one person has been charged under the law. In 2009, Indonesian *Playboy* editor Erwin Arnada was sentenced to two years imprisonment for violating public morality. The magazine was also discontinued (Moch Nur, 2013, p. 76).

the state passed the bill.[60] All the while, MUI also faced stiff opposition from several political parties and cultural activists. Members of the PDI-P (Partai Demokrasi Indonesia-Perjuangan or Indonesian Democratic Party of Struggle) and PDS (Partai Damai Sejahtera or Prosperous Peace Party) were against the bill. These parties boycotted the DPR during the voting of the bill (Abdur, 2010, p. 121). Also absent during the vote were regional leaders from Bali, North Sumatra, Southeast Sulawesi, and Papua, who felt that the bill threatened their culture and traditions. In some of these societies, where Hinduism is a dominant religion, it is common and acceptable for paintings, sculptures, and carvings to depict nudity.

MUI was displeased that the law was to cut to 45 clauses, half of what was originally tabled in the DPR. The law only sought to prevent pornography strictly, and excluded MUI's depiction of porno-action such as clothing, kissing or close-proximity of non-married couples (Moch Nur, 2013, pp. 75-76). The law also makes several exceptions – for example, foreign tourists can continue to wear swimsuits or revealing clothing when they are in Indonesia (Gelling, 2008). Most importantly, the law denied MUI's demands for a role in defining public morality. There was also no mention of what role MUI would play in curbing pornography. Articles 20 to 22 invite society to help mitigate the spread of pornography and report to the authorities if they came across any violation of the law. It does not spell out any religious organisation's role (Dewan Perwakilan Rakyat Republik Indonesia, 2008, p. 5). Upset with the new legislation, Ma'ruf Amin clearly voiced his disappointments

> MUI has never compromised on its position. In a plural country like Indonesia, all parties should not only think about their own interests. MUI will continue to give advice to the ummat. Whether the state will enforce our position is not within our powers. One example is the Pornographic bill. Until today, the outcome of the bill is different from our attitude. (Ma'ruf, 2012, p. 72)

During the 2009 Ijtima' Ulama, MUI expressed its concern that the state might cave in to civil society groups who complained that the new law

60 The proponents of the bill include the conservative members of the DPR, such as the PKS. Central MUI's efforts to get the bill passed mirrors the efforts of provincial MUIs, which sponsored shariah-based ordinances. These provincial MUIs were supported by HTI, MMI (Majelis Mujahidin Indonesia or Indonesian Mujahidin Council), and FPI (Front Pembela Islam or Islamic Defenders Front) (Abdur, 2010, p. 123).

infringes freedom of choice and expression. It was also upset that many of the contents of its fatwa were excluded from the final bill. MUI thus urged the state to revise the law, detailing the roles to the various state departments, such as the National Education Department, the Health Department, the Trade Department, the Industrial Department, the Social Department, the Communication and Information Department, and the Religious Ministry, will play (Majelis Ulama Indonesia, 2011a, pp. 922-924). MUI wanted to lead a research committee that censors reading materials and to be part of a select committee to recommend ways to restrict the distribution of pornographic materials (pp. 922-924).

During the 2009 congress, MUI also wanted the state to recognise it as a body that supervises school textbooks, health products, and clothing, ensuring that they do not contain pornography or porno-action (Majelis Ulama Indonesia, 2011a, pp. 922-925). MUI claimed that pornographic and porno-action materials are widespread in Indonesia's education and the health sectors. MUI requested the state to consult it before deciding whether reading materials in schools are appropriate for students, lecturers, and undergraduates. It also wanted a role in determining the standards for morality, which it argued, are currently not in place in the education sector. MUI wanted a role in monitoring and filtering information and electronic contents in the new media; and regulating all products and imports that contain photographic elements from inundating the Indonesian market (Majelis Ulama Indonesia, 2011a, pp. 922-925).

**"Moralising" entertainment**

MUI has wanted to be a morality watchdog since well before 2008. Its members were quick to criticise artists or models for not meeting what they see as Islamic requirements. They also demanded public, or foreign artists, to consult them on what Islamic entertainment is, and they want the public to recognise MUI's authority in determining what forms of dance, song, and clothing are suitable for public viewing. One of their target was Indonesia's famous "dangdut" singer Inul Daratista. In 2003, MUI leaders criticised her for the way she danced and gyrated.[61] Amidhan even characterised Inul's dance moves as pornography, and he later referred to an unsubstantiated report that a man raped a girl after watching Inul dance (*Jakarta Post*, 2003). In 2005, MUI members also reproved Miss Universe

61 Dangdut is a form of Indonesian music genre that combines Arabic, Indian, and traditional Indonesian music instruments.

participants. They criticised model Artia Sari Devi for participating in the competition because participants are required to wear swimsuits, which to them, constitute pornography. Ma'ruf said that "This kind of pageant violates religious values, especially Islam, and Indonesia is known as a religious society, so one should not go into any activities that are not in line with religious values" (*Reuters*, 2005).

In 2013, the controversy resurfaced after the Miss World beauty contest was scheduled to take place in Jakarta. However, this time, MUI leaders were embarrassed by one of its member, Syarif Rahmat, after he appeared in an advertisement for Miss World. Ma'ruf Amin and a few other MUI leaders were quick to denounce that Syarif's behaviour, declaring that his actions did not represent MUI's views (*Republika*, 2013a). MUI insisted that the competition be banned. Syarif was quick to say that the media misrepresented him in the advertisement. Syarif believed that since there could be no stopping of the Miss World competition from being organised, the best way was to advise the masses to exercise caution (Amri, 2013).

MUI also wants Islamic moral standards to apply to international artists holding concerts in Indonesia. In June 2012, American pop artist Lady Gaga was scheduled to make her debut concert in Indonesia, but MUI vehemently rejected it. MUI rallied radical groups which threatened to cause trouble if the concert was held. Upon the advice by the National Police, the organisers cancelled the event to which more than 50,000 tickets had been sold. Did MUI's protest contribute to the National Police's decision? On the one hand, the National Police refused to grant a permit for the concert and suggested organisers seek recommendations from MUI first before it could be issued (*Jakarta Post*, 2012b). However, this is does not mean the police recognised MUI's authority. The National Police wanted MUI's endorsement to come together with that of the Religious Ministry, Tourism Ministry, Home Affairs Ministry, Director General for Immigration (for visa purposes), Manpower and Transmigration Ministry, and the Bung Karno Stadium's management. Moreover, radical Islamic groups, particularly the FPI, were already planning to sabotage the concert (*BBC*, 2012). The police considered these demands before preventing Lady Gaga's concert.

Six months after the Lady Gaga controversy, Jennifer Lopez's management team approached MUI to discuss her debut concert in Jakarta, which was held in November 2012. MUI gave its consent because Lopez's management assured MUI that she would dress appropriately. According to an MUI spokesman, Jennifer Lopez was allowed to perform because her attire met its moral requirements. MUI felt that it was important to give guidance that the artist's dressing must be moral, in line with Eastern norms as

opposed to Western ones![62] Still, there have been no reports about other foreign artists – or local ones, for that matter – approaching MUI to seek its approval. Many foreign artists have held their concerts in Indonesia, including stars from Hollywood, Bollywood (India's film industry), and Asia, and they did not trigger the same sort of controversy as Lady Gaga.

## Towards a halal-certified society: MUI's capture in progress?

In January 2013, during a celebration for the 24th anniversary of LPPOM-MUI, Ma'ruf Amin delivered a keynote address highlighting MUI's latest project: sharia tourism.[63] Sharia tourism, he argues, is one that looks into Muslims' consumption requirements (such as halal catering) and spiritual needs. MUI's sharia tourism project promotes "moral" tour packages that protect tourists from being exposed to pornography, porno-action, unlawful sex, drugs, gambling, and the consumption of alcohol. Ma'ruf added that sharia tourism is universal and inclusive and respects the social and cultural norms of the locals. During the celebration, MUI distributed the "Criteria and Guide for Sharia Tourism" ("Kriteria dan Panduan Pariwisata Syariah") document to attendees. It states that all companies and industries in sharia tourism should utilise MUI's services.

MUI members say that participating agencies in shariah tourism must patronise its services. Shariah hotels must be certified by MUI and they must provide facilities for ablution, prayers, halal food, and cleanliness. Exemplary is the Sofyan Hotel Betawi in Jakarta that adapted to become shariah compliant in 1994. Couples who checked into shariah-compliant hotels must show marriage certificates. There also must be no pictures depicting humans and animals hung on the walls of the hotel. A prayer mat and Quran is provided in each room and the hotel restaurants cannot sell liquor but only provide halal-certified food and drinks (Zubaidah, 2014). In one year alone, between 2012 and 2013, the Sofyan Hotel Betawi recorded a 20 per cent jump in profits. The demand for such hotels and shariah tourism in general mainly comes from Middle Eastern and Muslim-dominant Southeast Asian countries (Zubaidah, 2014).

Not unexpectedly, restaurants and cafes in shariah hotels must obtain halal certificates from LPPOM-MUI (Kreatif and DSN-MUI, 2012). Spa, sauna, and massage parlours located in such hotels must be equipped

62 Interview with Isa Anshary, 6 December 2012.

63 I attended this event and took notes of Ma'ruf's speech.

with proper prayer facilities. MUI members call for a sharia code to be included for tour guides. A shariah-oriented tour guide should be a person of good faith, with good communication skills, and trustworthy, and who is responsible in their ethics and dress to demonstrate Islamic values (Kreatif and DSN-MUI, 2012, pp. 8-16). In 2014, when Joko Widodo (Jokowi) was the governor of Jakarta, he considered enacting a decree requiring halal certification. As of 2014, only 315 food outlets of 8,000 in Jakarta had been certified halal (Zubaidah, 2014).

The sharia tourism reflects the direction in which MUI's push for state capture is heading. MUI will continue to exploit the general rise in piety and conservatism amongst Indonesian Muslims, which increased since the beginning of the Islamic resurgence period from the 1970s to the 1990s. In the past, Suharto had denied MUI the authority to affect laws and regulations. Generally, the contemporary government continues Suharto's attitude towards MUI. Thus, MUI relies on societal support to lobby its requests to the state. One way MUI tries to do this is to encourage the community to patronise its halal-certification business. One can observe this trend in shariah banking and finance; food, cosmetics, and medicine; and, lately, shariah tourism.

## Conclusion

This chapter demonstrates the challenges faced by MUI in fulfilling its aims of capture. Based on the measurements of successful capture as pointed in Chapter 1, MUI has been relatively successful in placing its members as advisors in shariah banks, which could in turn lobby the state to support its Islamic banking policies. Through the DSN-MUI, MUI is able to issue fatwas on Islamic banking that may have a significant impact on the shariah banking laws, although the state does not necessarily have to accept all fatwas. Its attempts to replicate these successes in other spheres have had limited success. The state continues to neutralise MUI's influence by merging it with rival ormas, or to exclude them from important decision-making positions. MUI's failure also results from its internal fragmentation. The lure of personal gain, overlapping loyalties with other ormas, as well as different religious orientations serve to exacerbate this fragmentation.

Apart from its internal fragmentation, the existence of other ormas and NGOs diluted MUI's influence in the religious public sphere. At times, rival ormas and the state conducted a smear campaign towards MUI, and exposed fee-seeking activities by MUI leaders in halal certification.

Contrary to scholars and reporters who constantly highlight MUI's fatwas as having a huge influence on the public, its fatwas have also been the subject of ridicule by other progressive ulama. Ma'ruf Amin admits the negative responses to MUI fatwas (Iffatul Umniati, 2009). The diversity of opinion by MUI members in the public domain only serves to confuse matters. There are many attempts to quell this fragmentation, and many MUI members often raise the idea of the standardisation of fatwa. Nevertheless, until this fragmentation is resolved, the state and other ormas will continue to exploit MUI. Despite these challenges faced by MUI, it is likely to continue in its capture of the state, and these attempts include monopolising halal certification, determining deviance, becoming a watchdog for censorship, defining Pancasila, and, lately, introducing shariah tourism. MUI's behaviour is to be contrasted with those of JKF-MKI, which has been relatively successful in its capture of a weakened Malaysian state. The behaviour of Malaysian ulama will be discussed in the next chapter.

# 5 Malaysian Muftis and Official Ulama

## The State Captured?

Since becoming prime minister in 1981, Mahathir undertook a major Islamisation programme in Malaysia. He empowered and upgraded ulama institutions, some of which were formed by his predecessors Tunku Abdul Rahman (1957-1970), Abdul Razak Hussin (1970-1976), and Hussein Onn (1976-1981). He strengthened the JKF-MKI (Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia or National Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia), expanded the role of JAKIM (Jabatan Kemajuan Islam Malaysia or Department of Islamic Development Malaysia), and created IKIM (Institut Kefahaman Islam Malaysia or Malaysian Institute for Islamic Understanding). Mahathir co-opted ulama into these institutions to shore up support for state narratives on Islam, to support his development policies, and most importantly, to counter the opposition party PAS (Islamic Party of Malaysia).

Scholars have extensively discussed Malaysia's Islamisation and ulama co-optation under Mahathir's authoritarian rule (Hamayotsu, 2005; Maznah, 2013, pp. 110-118; Rais, 1995; Syed Husin, 2008). According to Syed Hussin, "The religious functionaries from the mufti and the *kadi* right down to the imam [...] have become government servants and paid monthly salaries [...] and can be promoted or demoted, depending on [political] circumstances" (2008, pp. 66-67). The perception of ulama co-optation remains strong even after Mahathir's retirement in 2003.[1] Scholars observe yet another trend regarding the behaviour of Malaysian official ulama. They point to ulama becoming increasingly conservative in their thinking (Alatas, 2014; Farish, 2005; Martinez, 2001; Norani et al., 2005). Similarly, Alatas (2014) characterises them as "Salafis" for their persecution of the Malaysian Shia community, a minority Muslim group. He argues that extremist ideas from the Middle East have influenced official ulama's way of thinking and behaviour.

These scholars' observations on the ulama's loyalty to the government and their conservatism are correct. The ulama's defence of UMNO (United

1 This point is confirmed by several interviews I conducted with PAS, ABIM, and academics. Interview with Nasruddin Tantawi, 10 February 2013; email interview with Jufitri Joha, 11 June 2013; interview with Siddiq Fadzhil, 24 April 2013; interview with Fauzi Deraman, 6 February 2013.

Malays National Organisation) leaders, the party's ideology and its policies, on the one hand, and the Malay rulers' position as the country's custodians of Islam, on the other, reflect strong state co-optation. To illustrate, ulama have prominently defended UMNO's *Ketuanan Melayu* (Malay Supremacy), Rukunegara (especially on loyalty to the king), *Wawasan 2020* (Vision 2020), *Islam Hadhari* (Islamic Civilisation), and *Islam Wasatiyah* (Moderate Islam) in their sermons, writings, and discourse. They have also labelled groups critical of Malay rulers as "un-Islamic." On the other hand, ulama conservatism is reflected in recent fatwas on issues such as proscribing conversion out of Islam, banning the rightful use of the term *Allah* by non-Muslims, and enjoining the conversion of minors to Islam by single parents.

However, not all Malaysian official ulama are passive actors abiding UMNO's instructions blindly at all times. By entering into state-sponsored institutions, they ingratiate themselves with state officials and politicians. They have frequent contact with the prime minister, cabinet members, and senior bureaucrats that other ulama do not. They use state platforms to launch their capture initiatives. Furthermore, some ulama stand out from others in terms of their ability to influence the state. This chapter examines a notable example – the Perak mufti, Harussani Zakaria – particularly his ability to prolong his stay in office, to withstand criticisms from UMNO, and wield influence beyond the religious domain. Emphasising Harussani's role allows one to explore the internal dynamics within the official ulama class, among the Malaysian muftis.

There are five capture objectives of Malaysian official ulama. First, they want to dominate the religious discourse by having exclusive rights to determine who can speak on Islamic matters, to define what constitutes "correct" Islam, and to render their opinions unchallengeable. They have silenced liberal groups and those not conforming to orthodox Sunni Islam. Second, they seek to sustain the existing power structures so that they can continue affecting government policies. Official ulama have supported Malay rulers and UMNO partly because they have to, but also because they want to preserve the status quo from which they benefit. Supporting the ruling party UMNO (United Malays National Organisation), they believe, guarantees their edge over PAS, their main rival in the Islamic sphere. Third, the ulama aim to act autonomously from the state on religious aspects. Under the Mahathir government, they had to conform to the state's wants. In the post-Mahathir state, especially after the hotly contested 2008 elections, they have increasingly been able to defy the state, ignore its instructions, and even issue fatwas that contradict the government's wishes. There have

been instances in which the ulama sided with the Malay rulers and the opposition in making their requests to the state.

Fourth, the official ulama hope to enhance their authority beyond state platforms, such as the religious institutions, mosques, and madrasahs. In the post-Mahathir era, their powers are no longer restricted to the religious domain of fatwa making. The religious community has been soliciting ulama's views on such issues as political controversies, economic policies, and Malay cultural life. Finally, the official ulama desire to affect the distribution of resources. They, like their Indonesian counterparts, want to be key players in the halal-certification and Islamic banking sectors, in addition to being high-ranking bureaucrats. In pursuing this objective, the ulama wish to expand both institutionalised capture and personalised capture. The former means requesting greater state recognition of ulama institutions for their roles in administering shariah banking and halal certification; the latter refers to ulama obtaining private gains and fees by heading these lucrative sectors.

Malaysian official ulama have been more successful than their Indonesian counterparts in meeting their objectives. The Malaysian ulama's ability to capitalise on three capture modalities – a clear institutional role, coherent ideology, and organisational unity – contributes to their relative success. Malaysian laws and enactments clearly define the ulama's authority in fatwa, shariah economics, halal certification, and moral policing. Fatwas passed by the state (*negeri*) religious councils are binding, and those violating them could face a fine or jail sentence. Yet, the federal and state (*negeri*) religious institutions work closely with the aim of standardising fatwas and religious administration for the whole country. More importantly, the first modality allows official ulama to act autonomously from societal pressure because the law allows them to do so. For example, they can mobilise the religious police to arrest groups deemed "deviant" or "immoral." Their actions are also legitimate because they are backed by the Malay rulers, who the constitution defines as the custodians of Islam and the Malays. The ulama can easily disregard criticisms from liberal groups and intellectuals, and even curb them from speaking on Islamic matters.

Malaysian official ulama have been effectively articulating their requests for greater power using state's and UMNO's ideology Rukunegara and *Ketuanan Melayu*. While this is the least important capture modality compared to the other two, the ulama preserve existing power structures by supporting these ideologies. Moreover, the ulama form a durable alliance with UMNO and Malay rulers. The ulama treat every challenge to their authority – by the opposition and civil society – as a threat to Islam and

the constitution. Furthermore, the ulama have been able to demonstrate greater cohesion when responding to challenges from PAS, civil society, and lately, even UMNO leaders who wanted to moderate their views on Islamic matters. While the ulama have their differences, they rarely expressed their disagreements publicly.

## Dominating Islamic discourses

Malaysian official ulama seek to dominate Islamic debates by rejecting the rights of certain groups to speak on religious matters. They were also intolerant of individuals who challenge their fatwas.[2] In Islamic jurisprudence, fatwas are usually regarded as non-binding advisories. Nevertheless, the Malaysian ulama have imposed sanctions for fatwas violators, in some instances, labelling them "deviants." The ulama have been successful in dominating religious discourse, which is reflected in three aspects: their ability to limit who can speak on Islamic matters; their authority to define what constitutes as Ahlus Sunnah Wal Jamaah (Sunni or ASWJ); and their authority to declare groups as "deviant."

### Limiting who can speak on Islam

The Malaysian official ulama consider their views theologically sounder than those of other ulama and Muslim intellectuals. They continue to hold this assumption, even though there are other scholars, activists, and intellectuals who articulate their views regarding Quranic texts and Islamic traditions. The ulama used labels such as "liberal"; "pluralist" or "orientalist" to silence those whom they regard as non-ulama, and these labels feature in their sermons and writings.[3] For example, in March 2012, JAKIM issued a sermon cautioning Malaysian Muslims about ideologies that threatened the Muslim faith, including capitalism, materialism, liberalism, pluralism, communism, Punks, homosexuality, Shiism, and free sex (JAKIM, 2012a). This sermon is one of the numerous times the official ulama have sought

2 Their quest for monopoly in the religious domain is akin to religious traditionalism and authoritarianism defined by scholars of sociology of religion. See Abou El Fadl, 2001; Noor Aisha, 2004; Towler, 1984.

3 Malaysian academic Farish A. Noor is one person who is often labelled as liberal and has no authority to speak on Islam. In a blog post, he lamented how the line "You are not qualified to talk about Islam" is used repeatedly to restrict the public discourse to the conservative groups (Farish, 2009).

to problematise these ideas or groups, which have been subjects of scrutiny in sermons, publications, and seminars. The ulama see these ideologies as contradicting Islamic principles. The official ulama use such labels to suppress and delegitimise civil society groups that are active in promoting progressive Islamic interpretations. Notable targets have been SIS (Sisters in Islam) and IRF (Islamic Renaissance Front).

The official ulama have denounced SIS members as promoters of "liberal" Islam. Founded in 1987, SIS has advocated against discriminatory practices towards women. SIS members include academics, professionals, journalists, and lawyers.[4] They promote contextual, hermeneutical readings of Islamic texts. In the past, they have criticised conservative groups for perceived gender-biased interpretations of the Quran. For example, they rejected the view that women's eyewitness testimony in criminal investigations was less credible than men's, and that "two women's eye-witness accounts equal to one man's" and "four adult male eye-witnesses are required to prove a rape crime" (Rose, 1995, p. 44).

Understandably, SIS members had on many occasions clashed with official ulama. The official ulama were not the only ones critical of SIS; ulama from PUM (Ulama Association Malaysia) and PAS had also joined the official ulama in restricting SIS's influence in the religious domain. In 2009, all three groups organised a protest against SIS for coordinating the Global Musawah programme. The programme's objective was to create public awareness on gender equality, justice, and dignity for women. The protestors argued that SIS was promoting "dangerous" ideas because in Islam, men are leaders and women followers.

In 2010, SIS leaders were confronted by the Perak mufti, Harussani Zakaria, concerning the caning of three Muslim women. The Federal Territory Shariah Court found the three women guilty of adultery, and they received six strokes of the cane (*Utusan Malaysia*, 2010). SIS members protested the sentence because it contradicted Section 289 of the Penal Code, which bans the caning of women. Moreover, SIS members argue for consistency in law enforcement. At that point the controversial Kartika Sari case was yet to be concluded.[5] Kartika was appealing against a similar sentence, after

4 Prominent members of the organisation include Norani Othman, Zainah Anwar, and the daughter of former Prime Minister Mahathir Mohamad, Marina Mahathir.

5 In July 2008, Pahang religious officials arrested Kartika Sari Dewi, a 32-year-old Malay/Muslim fashion model, for drinking alcohol at a nightclub. Under the Pahang religious law, it is an offence for a Muslim to consume alcohol in public. Those caught consuming alcohol in public will be liable for a fine, jail, and/or caning. The Pahang Shariah Court sentenced Kartika to six strokes of the cane and a fine of RM5,000 (US$1,139), which was not carried out by the

the Pahang Shariah Court sentenced her to be caned for drinking beer in 2009. Harussani criticised SIS for protesting against the caning, arguing that the Quran and shariah laws permit caning of adulterers. Harussani then labelled SIS "Westerners" and "Orientalists" for opposing God's law. According to Harussani,

> These people do not understand Islamic laws; they go against and hate Islamic law because the Orientalist West who goes against Islam influences them. If you want to consider six strokes of the cane, it is too lenient when the original punishment is 100 lashes to those to commit adultery and 80 lashes for taking alcohol. (*Utusan Malaysia*, 2010)

ABIM's women members supported Harussani. Fadhlina Sidek, the vice-president of its Woman's Wing, called on the public to ignore SIS for rejecting Islamic law (*Berita Minggu*, 2010). Apparently, some Muslim women supported the official ulama against a group that struggles for their rights.

In July 2014, MAIS (Majlis Agama Islam Selangor or Selangor Islamic Religious Council) gazetted a fatwa declaring SIS "deviant." The council sees SIS as promoting liberal Islam and pluralistic thinking. The Selangor chief minister, Azmin Ali, called for dialogue between MAIS and SIS, although he reiterated that he has no authority over fatwas and that the fatwa should be respected (Anisah, 2014). The MAIS fatwa was supported by PAS Youth (*Utusan Malaysia*, 2014). Interestingly, the official ulama were critical towards SIS, although Datin Paduka Marina, Mahathir's daughter, is a board member. The official ulama's approach towards SIS demonstrates that political connections play a minimal role in ulama's decision. They target groups that challenge their rulings.

The official ulama have also blasted the IRF as a "liberal" organisation. An NGO that promotes progressive, reformist, and inclusive Islamic discourses, the IRF runs a website (irffront.net) that features articles – in English and in Malay – on Islamic legal reforms, reformist thought, and Islamic intellectualism. Launched in 2009 by internationally renowned French reformist thinker Tariq Ramadan, IRF's vision is to promote ideas of Islamic reform and renewal, to revitalise Malaysian Muslim intellectual discourse, and to help establish an inclusive and just Malaysian nation (Islamic Renaissance Front, 2014). Yet, there were instances where the official ulama tried to

time the three Muslim women were canned. In fact, the Pahang religious authorities did not cane Kartika after all because on 1 April 2010, the Pahang ruler, Sultan Ahmad Shah, pardoned Kartika and directed her to carry out community work instead.

stop IRF's events. The IRF have been forced to cancel events. In September 2011, IRF called off its "The Future of Islamic Feminism" forum because JAKIM considered the speakers "liberal" Muslims. In 2014, JAKIM helped to stop another IRF forum, entitled "Religious Fundamentalism Threat in This Century." It disapproved of the organisers having invited Ulil Abshar-Abdalla, an Indonesian Muslim liberal intellectual, to be one of the speakers (*Bernama*, 2014a).[6] Still, the official ulama have treated the IRF more favourably than SIS, even though IRF is also promoting discourses such as gender equality and human rights, just like SIS.[7]

JAKIM also targets Individuals who offer alternative viewpoints from the ulama's. In 2004, JAKIM requested that Astora Jabat, a liberal-minded columnist for *Utusan Malaysia*, cease writing on Islamic matters. Astora's columns were infused with a progressive slant. In 2003, the Perak Religious Council had issued a fatwa against Astora, declaring him an apostate for questioning the Islamic belief about "punishment of the grave" after a person's death. Astora highlighted the conflicting hadith on the belief and JAKIM warned Astora for traducing an ulama's authority. Subsequently, the JAKIM director general, Mustafa Abdul Rahman, accused Astora of being disrespectful of Malaysian shariah laws and muftis (Rozi, 2004). To little surprise, *Utusan Malaysia* dropped Astora as a columnist.

Official ulama consider themselves to be the most authoritative to speak on Islam. Not only do they seek to silence groups who promote feminism and liberalism, they also tried to restrict ulama who disagree with them from speaking. They use platforms such as Friday sermons, fatwa meetings, and mainstream media to warn Muslims of the liberal and feminist "threats." In June 2012, the Perak mufti, Harussani Zakaria advised Nik Aziz, the late PAS spiritual leader, not to criticise any Malaysian mufti. Harussani was angered when Nik Aziz reminded him not side with UMNO. Harussani counselled Nik Aziz that muftis are learned persons of religion and should never be questioned (*Utusan Malaysia*, 2012b).

## Defining ASWJ

Official ulama also claimed they have the sole authority to define "truth" and "deviance," although these have been contested arenas in theology

6 The banning of non-ASWJ sects will be discussed later.

7 Interview with Dr Farouk Musa, Director of the Islamic Renaissance Front, 7 February 2013. Some of these scholars listed by Farouk are deemed liberal-oriented by Muslims in other parts of the world (Norshahril, 2012b).

throughout Islamic history (Fazlur, 2000). They sought to monopolise religious discourse by assuming authority to give the "correct" definition of ASWJ, which is legally the only permissible sect in Malaysia. The ASWJ teachings said that after the demise of the Prophet Muhammad, the Caliphs were Abu Bakar, Umar, Usman, and, lastly, Ali. This differs from Shia belief, which insisted that Ali was the rightful caliph after Muhammad's death, not Abu Bakar. Moreover, the official ulama portray Shiism's rise in Malaysia as threatening ASWJ, although Shias make up only 10 per cent of Muslim population in the world, and likely less than 1 per cent in Malaysia.

In March 2012, JAKIM issued a Friday sermon entitled "The Threat to the Islamic Faith" ("Ancaman Akidah Umat Islam"). The sermon warned Muslims about the Shia threat in Malaysia. The official ulama's condemnation of Shiism began in the 1980s (under the Mahathir government) and intensified under the Najib government. In 1987, seven Shia followers were detained for spreading deviant teachings. The JKF-MKI has issued fatwas declaring the Shias deviant, and many of the state (*negeri*) religious councils have gazetted the fatwa. As early as 1984, the JKF-MKI had discussed the status of Shia; but it was only in 1996 that the committee released a fatwa against the sect (JAKIM, 2013a). Before 1984, JKF-MKI allowed the Shia denominations Zaidiyyah and Jafarriyyah to practise their faith. In 1996, the JKF-MKI issued a fatwa prohibiting the publication, broadcasting, or distribution of books, leaflets, films, videos, and other products relating to the teachings of Islam that contradicted Sunni Islam. The religious councils of the Federal Territory (1997), Melaka (1997), and Pulau Pinang (1997) accepted and gazetted the fatwa; the Kelantan and Perlis religious councils endorsed the fatwa but did not gazette it. In 2001, the Home Affairs Ministry placed six Shia followers under the ISA for threatening national security. In December 2010, Selangor religious officials (JAIS [Jabatan Agama Islam Selangor or Selangir Islamic Religious Department]) detained 200 members of the Lovers of the Prophet's Household, a pro-Shia group. In 2011 and 2014, Pahang and Kedah religious councils have gazetted the fatwa on the sect, respectively (JAKIM, 2013a). On 8 March 2014, JAIPK (Jabatan Agama Islam Perak or Perak Islamic Religious Department) officials arrested 114 Muslims for attending a ceremony affiliated to Shiism (Alatas, 2014). In July the same year, Pahang religious authorities (JAIP) arrested 36 individuals for spreading Shiah teachings (Zam Zurina, 2014).

During the 2013 election campaign, UMNO leaders sought to use the Shia fatwa to discredit PAS leaders, whom they labelled as Shia sympathisers. Former Kedah chief minister, then an UMNO member, Mukhriz Mahathir, accused Mohamad Sabu, PAS deputy president, of being a Shia (*New Straits*

*Times*, 2013b). Yet, Mukhriz's use of the Shia fatwa contradicted other UMNO leaders' more inclusive attitude. The fatwa also challenged the Amman Message, to which former Prime Minister Abdullah Badawi, and former religious minister Abdul Hamid Othman, are signatories. In 2005, King Abdullah Hussein of Jordan initiated the Amman Message to define what Islam is and what it is not. The declaration affirmed Shias as mainstream. Other signatories of the declaration include internationally renowned ulama and political leaders from 84 countries – such as the prominent Sunni ulama Yusof Al-Qardawi. Moreover, the fatwa was at odds with the fact that Malaysia has strong diplomatic ties with Iran, a Shia state. In 2013, Mahathir received former Iranian President Mohammad Khatami in Putrajaya. During the meeting, both Mahathir and Khatami called on the OIC to end the Sunni/Shia divide. Hence, the official ulama's position contradicted Mahathir's views, who in 2013, was no longer prime minister.

As mentioned, the ulama's harassment of Shias increased under the Najib government. The federal government, it should be noted, was silent on the arrests made by JAIS or JAIPK officials because Islam is a state (*negeri*) matter. However, the government made little effort to persuade JKF-MKI to moderate its fatwa, something which may have softened state (*negeri*) fatwas. Conversely, JAKIM and JKF-MKI have been pushing the state to restrict Shiism: through fatwas, campaigns, and sermons. JAKIM also commissioned *Frequently-Asked Questions about Shia in Malaysia* (*Soal Jawab Isu Syiah di Malaysia*) (Mohd Aizam, 2013). The book highlights the history of Shiism, its differences with ASWJ, and its spread to the Malay world. The anti-Shia fatwa, and JAKIM's subsequent campaign, affect Malaysia's standing as a "moderate" Islamic state, which is an image the government has strived to portray since 9/11. In July 2010, Najib called for the hatred between Sunnis and Shias to stop. He remarked, "The simplest analogy I would use is that both the Shia and Sunni are on the same highway. The only difference is that they are on different lanes. Even the destination is the same" (Sipalan, 2014). Furthermore, the ulama's behaviour impedes the prime minister's avowed ambition to create an inclusive society.

The Shias are not the only group denounced by the official ulama. Some Sufi orders are described as deviating from ASWJ, even though their practises are found in other predominantly Sunni societies. In 2000, the JKF-MKI declared the Tariqat Naqsyabandiah Al-Aliyyah to be outside ASWJ teachings, and the MAIWP (Majlis Agama Islam Wilayah Persekutuan or Islamic Religious Council for Federal Territories) and MAIM (Majlis Agama Islam Melaka or Islamic Religious Council of Malacca) gazetted the

fatwa (JAKIM, 2013a).[8] In countries such as Singapore where Sunni Islam is practised, the country's official ulama tolerated the sect and it has a wide following. The Malaysian ulama's decision to ban Tariqat Naqsyabandiah Al-Aliyyah on the grounds of faith is not an isolated case. The JKF-MKI issued more fatwas on faith under the Abdullah Badawi government than under previous governments. This trend is likely to continue during the present Najib government. The chart (Figure 3) maps how the number of fatwa on faith increased threefold since Abdullah Badawi took over in 2003.

**Treating fatwas as unchallengeable**

The state (*negeri*) laws stipulate that anyone who violated a gazetted fatwa can be fined or jailed or both. For instance, in Selangor, those found violating a gazetted fatwa faced fines of up to RM3,000 (US$684) or jail for up to two years (Syariah Criminal Offences [Selangor], 1995). In Sabah, a person who questions a gazetted fatwa issued by the mufti could be fined up to RM1,000 (US$228) or jailed for six months or both (Syariah Criminal Offences [Sabah] Enactment, 1995). Based on the Penang Shariah Enactment, those sentenced to jail would be placed in the same prison with those who committed criminal offences (Jabatan Kehakiman Syariah Negeri Pulau Pinang, 2012). All these punishments may increase if the federal government agrees to accept PAS recommendations in 2016 to increase the maximum punishments for shariah offences to 30 years imprisonment, 100 lashes of the cane, and RM100,000 fine.

In fact, there have been instances where official ulama acted beyond the laws' remit. In March 2014, JAWI officials (Jabatan Agama Wilayah Persekutuan or Islamic Religious Department of the Federal Territories) arrested prominent Malaysian laureate Kassim Ahmad for insulting Islam and violating a fatwa. In February, Kassim had spoken during a public forum organised by the Perdana Leadership Foundation in Putrajaya. In his speech, he made references to his 1986 book *Hadis: Satu Penilaian Semula* (Hadith: A revaluation), which was declared haram by the religious councils of Penang in 1986 and Terengganu in 1995, and was gazetted by the Sabah and Malacca councils in 1986. These fatwas considered Kassim to have insulted the Prophet and warned him not to repeat his views in public.

8 See also the fatwa on Tariqat Naqsyabandiah Al-Aliyyah Pimpinan Syiekh Nazim issued by JKF-MKI in 2000 (JAKIM, 2015, p. 10).

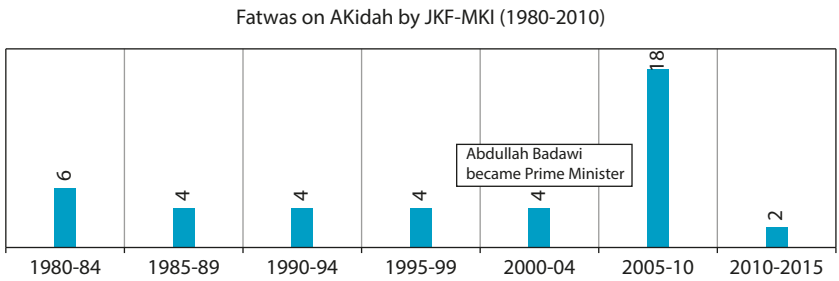
Ironically, Kassim was arrested in Kedah, although the alleged offence took place in Putrajaya (Federal Territory). Clearly JAWI officials had exceeded their authority because their powers are restricted to the Federal Territories. Kassim was later charged under Section 7(b) and Section 9 of the Federal Territory Shariah Offences Act (*Bernama*, 2014b).

The official ulama's attempt to consolidate their authority in fatwa-making was also demonstrated in Kedah. Recently, the Kedah government strengthened the powers of the MAIK (Majlis Agama Islam Kedah or Islamic Religious Council of Kedah). On 17 April 2012, the Kedah legislature (under the PAS government) amended the Mufti and Fatwa Enactment (Rang Undang-Undang Mufti dan Fatwa), which now states that fatwas issued by the Kedah mufti and the MAIK cannot be challenged (*Bernama*, 2012). The amendment means that a Muslim residing in Kedah cannot challenge any MAIK fatwa, even if the Kedah sultan has not given his assent to their gazetting. Gerakan (Malaysian People's Movement Party) veteran leader Koh Tsu Koon and Perlis Mufti Dr Juanda Jaya had criticised this amendment, which they charge is another step towards authoritarianism in religious discourse. Apart from Juanda, other muftis remain silent on the amendment. Even after UMNO regained control of Kedah in 2013, the state it lost in 2008 elections, there was no indication that the state (*negeri*) government would rescind the law.

Moreover, the official ulama have stepped up their criticisms of opposition politicians who challenged JKF-MKI fatwas. They regarded Muslims who violated JKF-MKI's fatwas as being "disrespectful" to the ulama and Islam. In February 2014, Harussani (Mufti of Perak), Abdul Rahman Osman (Mufti of Pahang), and Nooh Gadut (Advisor to Islamic Religious Council of Johor) criticised Anwar Ibrahim for speaking at a church gathering in Kajang, Selangor (*Berita Harian*, 2014a). During the gathering, Anwar questioned the federal government's decision to allow Sabah and Sarawak Christians to use the term *Allah* but denying those from the Peninsular the same rights. Although Anwar was critical of the government, Nooh Gadut characterised Anwar's speech as defying the fatwa agreed by the 14 Malaysian muftis. He also chastised Anwar for violating the decision made by the JKF-MKI in 1986.[9] Nevertheless, the JAKIM website states that it was in 2008, and not 1986, that JKF-MKI issued the fatwa. Even so, the 1986 decision was a cabinet decision and not JKF-MKI's. So far, only five states

9 This cabinet decision not only restricted the non-Muslims from using the term *Allah*, but also other terms such as *Kaabah* (a cube-like structure in Mecca which indicates the direction Muslims pray to), *solat* (prayers), and *Baitullah* (House of Allah).

**Figure 3 Fatwas concerning Islamic faith issued by JKF-MKI**




Source: This data is compiled from JAKIM, 2013a, 2015.

(*negeri*) have gazetted the 2008 fatwa: Selangor, Perak, Kedah, Johor, Pulau Pinang and Sabah. This dispels the notion that politicians are in control of the religious institutions; in truth, relationships between politicians and theologians are complex, and there are instances in which latter have the upper hand.

The official ulama now used fatwa as their vehicle to dominate the discourse. Lately, there has been a movement to treat all fatwas, including those issued by the JKF-MKI, as unchallengeable and binding, even though the law specifically states that only gazetted state (*negeri*) fatwas have such standing. The 1996 Shia fatwa shows that the government has no authority to influence the ulama's decision. While most of the fatwas issued by the JKF-MKI were either neutral or supportive of the state's policies, individuals and groups closely aligned to UMNO leaders – such as SIS and Kassim Ahmad – have also been targeted. Thus, the presumption of scholars that official ulama are UMNO lackeys is without merit.

## Sustaining power to affect policies and other appointments

A trade-off of co-optation is the requirement to support the state's ideology and policies.[10] UMNO politicians expect official ulama to defend the party and the state ideology. Yet, by defending UMNO, as well as the Malay rulers, the official ulama are able to prolong their stay in office, thereby increasing their clout. By prolonging their stay in the religious institutions, official ulama have a greater chance to promote their conservative views in the state's policy-making circles. They have also used their closeness to

10 Interview with Azhar Tuarno, 18 April 2013.

Malay rulers to provide them protection from UMNO's criticisms. Also, an important factor for ulama's capture is their duration in office. The older ulama are able to keep the younger ones at bay. Some have stayed in their positions long enough to be able to interpret the state's ideology to suit their own agenda. The following sections examine how the official ulama consolidated their authority through defending UMNO's policies and the position of the Malay rulers as the country's custodians of Islam. These sections also demonstrate how the ulama have been able to influence the state more successfully since Mahathir's resignation.

## Supporting UMNO's ideology

Throughout the premierships of Mahathir Mohammad (1981-2003) and Abdullah Badawi (2003-2009), Malaysian muftis and JAKIM officials were active in supporting and promoting UMNO's ideology, policies, and slogans. Two of such were *Wawasan 2020* (Vision 2020) and *Islam Hadhari* (Islamic Civilisation). The former manifests Mahathir's vision for Malaysia to be a developed country by the year 2020. The slogan, while first coined in 1991, continues to feature in contemporary official ulama publications and sermons. On the one hand, UMNO leaders expected the ulama to promote the concept by virtue of their position as civil servants.[11]

In September 2011, Jamil Khir, a minister in the Prime Minister's Office, made it clear that official ulama must support the (UMNO's) ideology. During a congress attended by state officials, JKF-MKI members, and state (*negeri*) ulama, Jamil said, "The official ulama need to strengthen and improve the administration of the Majlis Agama Islam [Islamic Religious Councils]. If the state has *Wawasan 2020* as its vision, we need to transform our religious institutions to parallel the state's vision" (*Bernama*, 2011). Following Jamil's call, in 2014, JAKIM launched the Integrity Plan and Code of Ethics, where it pledged its commitment for the realisation of the national mission *Wawasan 2020* (JAKIM, 2014d, p. 36).

On the other hand, some ulama genuinely believe *Wawasan 2020* and other UMNO slogans will accelerate Muslim development. In 2011, Nik Mustapha Nik Hasan, IKIM director, wrote a paper entitled "From the New Economic Model to Achieving *Wawasan 2020*" ("Dari Model Baru Ekonomi Ke Pencapaian Wawasan 2020") that highlights the failures of Western capitalism and secularism and asserts how *Wawasan 2020* can correct these problems. He regarded the values promoted by *Wawasan 2020* as promoting

11 Ibid. He points out that the views are his own, and does not represent the organisation.

the Islamic spirit, namely the spirit of *Al-Adl Wal Ihsan* (Justice and Welfare). This spirit included resilience in economic development, harmonisation of the self and society, and harmonisation of the public and private sectors (Nik Mustafa, 2011). Undeniably, the ulama's application of the slogan is at times rhetorical, but their continuous reference to the slogan shows their alignment with UMNO, because the opposition rarely uses such concepts.

Under the Abdullah Badawi government (2003-2009), the official ulama were active in promoting *Islam Hadhari* (Abdullah, 2006). Badawi first introduced the concept in 2004 during the UMNO General Assembly. Badawi titled his opening speech "Islam Hadhari and the Malay Agenda." *Islam Hadhari* comprises ten values: faith and piety in Allah; just and trustworthy government; freedom and independence to the people; mastery of knowledge; balanced and comprehensive economic development; good quality of life for all; protection of the rights of minority groups and women; cultural and moral integrity; protection of the environment; and a strong defence policy. Worthy of note, the 11th general election was held on the same year Abdullah introduced *Islam Hadhari*, where UMNO managed a resounding victory. The BN coalition (where UMNO is the leading party) won 63.9 per cent of the popular votes and secured 198 out of 218 seats in the federal parliament. Since *Islam Hadhari* became one of the main themes of UMNO's campaign, some would immediately link UMNO success to the concept.[12]

JKF-MKI, JAKIM, and IKIM ulama have been active in campaigning and socialising UMNO's *Islam Hadhari*. They continued to do so even though opposition ulama argue that the concept is rhetorical and political (Abdul Hadi, 2005).[13] On 21-22 November 2005, JAKIM and IKIM jointly organised the "Islam Hadhari Seminar." In all, 11 papers were presented during the seminar. The seminar aimed to explain publicly the significance of faith to God in ensuring *Islam Hadhari*'s success. In 2005, JAKIM (2005) published *Konsep Islam Hadhari Satu Penjelasan* (The concept of *Islam Hadhari*: A clarification) to clarify the concept to the public. The Islam Hadhari Mosque in Terengganu (Masjid Hadhari) was also built in the same year. The muftis had also committed themselves in promoting *Islam Hadhari* to the masses. Harussani Zakaria, the Perak mufti, pledged to support the contents and objectives of *Islam Hadhari*. He believed that *Islam Hadhari* will bring Malaysia

12 See Hoffstaedter, 2009, p. 115. There is very little evidence, nevertheless, to suggest Islam Hadhari's contribution to UMNO's 2004 resounding victory. In 2008, UMNO suffered its worst electoral defeat while Islam Hadhari remained the thrust of its campaign. In that election, BN lost five states (*negeri*), did not win a two-thirds majority in parliament, and only secured over 50 per cent popular votes.

13 Syed Farid Alatas opines that the concept Islam Hadhari is progressive. See Alatas, 2010.

greater prosperity and promised to explain what *Islam Hadhari* means to the Muslims at the grassroots level (*New Straits Times*, 2005). Kelantan mufti, Dato' Muhammad Shukri, also supported *Islam Hadhari*. In an interview, he remarked: "I am one of those who support *Islam Hadhari*, and asked critics to prove if it is not good. Critics say [*Islam Hadhari*] is a new religion. How is it a new religion? Islamic civilisation is encouraged by Islam. I don't see why it is not good."[14]

Discussions on *Islam Hadhari*, nonetheless, lost momentum following Abdullah's 2009 resignation. The concept was a flop to begin with because it was merely rhetorical without substance. Since then, JAKIM actively promote the concepts *Satu Malaysia* (One Malaysia) and *Islam Wasatiyyah* (Moderate Islam), coined by Prime Minister Najib Abdul Razak. In other words, they follow the rhetoric of the incumbent government. These UMNO slogans feature in Friday sermons and advisories issued by JAKIM. On 2 December 2011, a JAKIM Friday prayer sermon entitled "Understanding Is Key to the Unity of the Community ("Persefahaman Asas Perpaduan Ummah") stated: "In our nation, we have intelligent leaders. We must build on the concept of *Satu Malaysia* [One Malaysia]," clearly endorsing UMNO's ideology. The same sermon states that "in order to move forward to achieve Vision 2020, the government has introduced New Economic Policy that is based on economic transformation in order to improve social, economic standards" (JAKIM, 2011c). During the 2013 Prophet's birthday (*Maulidur Rasul*) celebration, JAKIM published a document entitled "Moderation: The Thrust for Unity" ("Wasatiyyah Tunggak Kesatuan Ummah") (Mohamad Kamil, 2013). The theme of the document coincided with Najib's commitment to promote Islam *Wasattiyah* (Moderate Islam) as part of the state's vision. Thus, UMNO's ideology guided the tone and theme of JAKIM's sermons and documents.

In addition, JKF-MKI members have lambasted the opposition. The muftis, for instance, openly condemned opposition rallies against the state. In 2012, the JKF-MKI issued an advisory discouraging Muslims participation in BERSIH 3.0 (Gabungan Pilihanraya Bersih dan Adil or Coalition for Free and Fair Elections), a reform movement calling for free and fair elections (Aziz Jamaludin, 2012). JKF-MKI's chairman, Abd Shukor Hussin, said, "If such demonstrations were intended to topple a legitimate government that is chosen by the people, it is haram" (Nazura, 2012). The Kelantan mufti, Muhammad Shukri, warned Muslims against exploitation by certain interest groups by participating in the BERSIH rally (Zulkiflee, 2012). These ulama warnings were questionable because the protesters were not trying

14 Interview with Mohamad Shukri, 7 April 2013.

to bring down the government through violence; BERSIH was only seeking electoral reform.

More controversially, in January 2014, Harussani classified those who attended the opposition-led TURUN (Gerakan Turun Kos Sara Hidup or Movement to Reduce Living Costs) rally as "*bughah*" or rebellion against a just and Islamic ruler. In Islamic jurisprudence, it is legitimate to kill a person committing bughah (*Berita Harian*, 2014b). The rally demanded the government reduce prices of necessities, fuel, and road tolls. Although Harussani was called in for questioning by the police, he was neither arrested nor charged for sedition.

Instead of criticising him for using the term *bughah*, Pahang mufti Abdul Rahman Othman defended Harussani and echoed his view that Muslims must not topple a "legitimate" government. According to the Abdul Rahman,

> There may be people who think that Malaysian muftis are just trying to earn a living by saying this [not to topple a legitimate government]. But Muslims must remember that they have to resolve problems amicably through discussions, and not to criticise the government. (*Berita Harian*, 2014c)

For the official ulama, maintaining UMNO's rule has two merits. First, they believe UMNO could not obtain Muslims' support on religious issues without them and the party would make many concessions to retain their services. UMNO leaders are not as competent as PAS ulama on Islamic matters, and they relied mostly on the official ulama to provide them with Islamic legitimacy. UMNO relied on the official ulama to counter PAS. The government disbursed large sums from the yearly budget to Islamic institutions. In 2014, JAKIM channelled RM885 million (US$303 million) to the state (*negeri*) religious councils (*Malaysian Insider*, 2014d). RM540 million (US$123 million) of the budget is used to pay allowance for religious teachers, imams, and mosque administrators. The 2014 budget saw a 10 per cent increase from the previous year. The state has also upgraded welfare schemes for JAKIM ulama. In the 2014 budget, the prime minister announced that ulama who had served more than 15 years in JAKIM, and had passed their retirement age, would be given RM300 (US$68) a month (*Berita Harian*, 2014d). In 2016, deputy minister in Prime Minister's Department, Dr Asyraf Wajdi Dusuki, pointed out that JAKIM needed a RM1 billion budget to protect Islam from extremist ideologies such as those espoused by adherents of Islamic State in Iraq and Syria (ISIS), liberalism, pluralism, and lesbian, gay, bisexual, and transgender (LGBT) rights.

Second, the official ulama wanted to retain the UMNO government because PAS presents a threat. Some PAS ulama have already spoken about overriding the official ulama's powers if the opposition can ever form a government. Nasruddin Tantawi said that in PAS-governed Kelantan, the party's ulama are more powerful than religious council members. Nasruddin, PAS Shura member, remarked, "The PAS government in Kelantan makes laws. For example, we make laws on entertainment and tourism. The role of the Majlis Agama [religious council] is to enforce these laws."[15] He also suggested that if PAS becomes the federal government one day, it will control, "correct," and "reform."[16]

**Loyalty to the Malay rulers**

Apart from supporting UMNO ideology, the official ulama wholeheartedly defended the Malay rulers' constitutional role as the custodians of Islam and Malayness in the country. For example, in October 2011, JAKIM issued a sermon entitled "The State Islamic Religious Council Is a Catalyst for Social Transformation" ("Majlis Agama Islam Negeri Pemacu Transformasi Ummah"), which indicates Malay rulers' role as crucial for Malaysia's development. Quoting the Quranic verse 59 Surah *An-Nisa* (4:59), the sermon called on the Muslims to demonstrate their unquestioning loyalty to the king and the Malay rulers in their respective state (*negeri*). The sermon declared loyalty to Malay rulers to be part of Islamic teachings, and warned Malaysians not to criticise the religious councils (JAKIM, 2011b).[17] In the same sermon, JAKIM called on the state to boost the powers of religious bureaucracies:

> We need to update the enactment [law] regarding the role of the religious councils so that they are given more authority. This will improve the councils' effectiveness and autonomy while remaining accountable to God and the Malay rulers. More importantly, the council should not be dragged into divisions in party politics.

15 Interview with Nasrudin Tantawi, 10 February 2013.

16 Ibid.

17 The sermon was clearly targeted at the opposition's supporters and those who questioned the religious councils. In the same sermon, it was stated that "[t]he position of the Islamic religious councils is often criticised and regarded as the agency of the government. The powers and authority of the religious councils cannot be questioned. The purity of our faith is dragged in politics and disunity. This affects the role of the religious councils."

The sermon concluded by cautioning Malays not to suffer like other nations, where "natives" are evicted from their own country (JAKIM, 2011b).

Each year, JAKIM will issue one Friday sermon to commemorate the king's birthday. For example, on 9 December 2011, JAKIM issued a sermon entitled "The Malaysian King: The Protector of Religion and State" ("Seri Paduka Baginda Yang Di Pertuan Agong Payung Agama dan Negara"). The sermon reminded Malaysians of the Malaysian king's position in Article 181(1) of the constitution, and that he has a duty to protect Malays' special privileges and legitimate interests over other ethnic groups. The sermon underscored the duties of the Council of Rulers, in ensuring Islamic laws apply to all aspects of Malaysian Muslims' social life (JAKIM, 2011d). The sermon closes with a prayer and call for Malays to be loyal to the king, and hopes that the king will continue to help develop the country. While such sermons are largely rhetorical, official ulama are constantly reminding the Malays about the constitutional role of the Malay rulers as protectors of Islam and Islamic institutions in the country. They are also reminding the Malays of their own constitutional position, as advisors to the rulers. Implicitly, they remind the Malays that their position as Islam's gatekeepers in the country is only second to the Malay rulers.

There were occasions when official ulama defended the Malay rulers more resolutely than they would to UMNO leaders. In 2009, Harussani famously defended the Sultan of Perak at the height of the Perak constitutional crisis. During the crisis, four PR (Pakatan Rakyat) Perak assemblymen quit the party to become independent MPs who supported BN. The Sultan of Perak intervened and allowed BN to take over the Perak government, leading to opposition claims that the sultan's move was unconstitutional. Harussani was quick to defend the sultan, declaring Malaysians who criticised him to be *menderhaka* or treacherous (*Utusan Malaysia*, 2009d). The sultan's actions met with demonstrations, which accused him of overstepping his role as a constitutional monarch. In response to the protests, Harussani remarked

> The Malays do not defy the Sultans. As Malays, they [demonstrators] should not be cursing, swearing, and destroying other people's property as Malay culture is refined. How can we say we are struggling for Islam when we behave in such an un-Islamic way? (*Bernama*, 2009)

The Federal Territory mufti then, Wan Zahidi Wan Teh, agreed with Harussani's defence of the Sultan of Perak[18].

18 Wan Zahidi stepped down in 2014.

The official ulama are so trenchant when defending the Malay rulers because they owe their appointments to the rulers. All Malay rulers – with the exception of Negeri Sembilan – have exclusive rights to determine mufti and council appointments. In Kelantan, the ruler has the right to reject the recommendation by the state (*negeri*) secretary. Reading out his appointment certificate during an interview, Kelantan Mufti Muhammad Shukri emphasised the sultan's authority in his appointment:

> The letter of appointment of the Mufti of Kelantan, Alwasiq Billah Islamil Petra Ismail Yahya Sultan and King of Kelantan and his people, to the trusted Dato' Shukri, All Praises to God, and praises to the Prophet Muhammad, his family, based on Section 6/1982, I can appoint anyone as the Mufti of Kelantan. It should be known to everyone that with this appointment, based on the Islamic laws, that the Mufti of Kelantan, from January 2008, is given the authority to deliver fatwa, in writing, to anyone or any organisation based on the enactment, and cultural laws [*adat*] of Kelantan 1994.[19]

Does supporting the rulers and UMNO, however, render the ulama's capture less significant? Arguably, co-optation allows the ulama to shape policies, counter the state's wishes, and even set the state's agenda in certain fields. Some ulama were able to prolong their stay in state institutions and not to be replaced by younger, better educated scholars. Therefore, the stronger official ulama express their loyalty to the state and rulers, the longer they hope to retain their position in state institutions.

**Muftis prolonging appointments in institutions**

In Malay feudal society, the ruler acts as the protector of his subjects on the condition they showed unquestioning loyalty to him (Chandra, 1979). This argument remains relevant in contemporary Malaysian society. The Malay rulers reward ulama for the support given the monarchical institution and in return, the ulama retain their positions in the religious councils for as long as the rulers assent. In other words, even UMNO could not force the ulama into retirement without the rulers' consent. It is also a culture in the Malaysian civil service that respect seniority. Senior ulama expect obedience from younger ones.

19 This passage in the appointment certificate was read by the Mufti of Kelantan. Interview with Mohamad Shukri, 7 April 2013.

One enduring mufti is Harussani Zakaria. He has served as the Perak mufti since 1985. Previously, he worked in the Perak religious bureaucracy.[20] Harussani has been conferred many titles and state honours. In 2008, he was named the Tokoh Maal Hijrah 1430 (Maal Hijrah Person of the Year), a prestigious recognition awarded to Muslims for their contributions to Malaysia. In 2009, the Sultan of Perak conferred him with the title of "Tan Seri," a title that only 75 individuals in Malaysia can hold at one time. He received other awards earlier in his career (Azman, Sahida, and Aziz, 2008, p. 62). The Perak royal family has been retaining Harussani's services for the last three decades, although he only holds a diploma in Islamic education in a country that produces hundreds of Islamic studies graduates and PhD holders every year. This suggests personal ulama power has been established, which undermines corporate aspects of official ulama.

Another mufti who activists see as playing a dominant role in the JKF-MKI is Nooh Gadut, a conservative. He was the former Mufti of Johor from 1999 to 2008. Why, like Harussani, is Nooh considered an "untouchable" in the JKF-MKI? He too has close ties with his state's royal families – in this case, the royal family of Johor. Gadut was appointed as the advisor to MAIJ (Majlis Agama Islam Negeri Johor or Johor Islamic Religious Council) after his retirement as Johor mufti in 2008. Even after Nooh was replaced by his deputy, Mohd Tahir Samsudin, he continues to be in the public limelight, making many religious pronouncements.

These senior muftis also dominate the discussion in the Muzakarah JKF-MKI. The current Perlis mufti, Mohd Asri, recounted how seniority matters in the JKF-MKI meetings, which marginalised younger muftis such as himself: "In the JKF-MKI, there is no equality. In the meetings, they are not happy with my ideas, even though they are based on sound religious arguments [...] Some of my evidence and arguments are ignored because they argue on the basis of seniority of the muftis."[21] One example Mohd Asri gives is over the issue whether a child born out of wedlock can be named after his father. A Muslim normally carries the name of his father.[22] The practice in Malaysia is that a person born out of wedlock cannot carry the name of the father, but "Abdullah" (servant of God). Hence, such a person carries the name "Bin Abdullah" (for male) or "Binte Abdullah" (for female).

20 He is also concurrently sitting in various committees, both at the state and federal levels, which I will discuss in another section in the chapter.

21 Interview with Mohd Asri, 21 April 2013.

22 For example, a Muslim man's name Ahmad Bin Isyak means Ahmad is the son of Isyak. For a woman's name, Mariam Binte Ahmad means Mariam is the daughter of Ahmad.

Mohd Asri was concerned about the social stigma this practice will have on the child and urged for the practice to be reconsidered. Senior members, however, rejected his opinion.

Thus, the muftis are rewarded with titles and contract renewals in the religious councils for their loyalty towards UMNO and Malay rulers. Muftis who support UMNO and the rulers stay longer in the JKF-MKI compared to others, allowing them to dominate and shape discussions (and fatwas). Some muftis have overstayed in their positions to the extent that their powers have outgrown what was originally intended by UMNO. Arguably, the muftis have become more ardent than UMNO in championing *Ketuanan Melayu* (Malay Supremacy). They have also exerted pressure on the state to adopt more pro-Malay and Islamic policies that threaten the multicultural fabric of Malaysia.

**Shaping and directing state policies: The case of Harussani**

The official ulama have used their relationship with the state to push their conservative ideas in policies and government regulation. These ideas reflect the discourse of the Islamic resurgence of the 1970s that calls for greater Islamisation of state and society in Malaysia. The powers of the official ulama today, arguably, have transcended those originally intended by the state.

As the Mufti of Perak for nearly 30 years, Harussani can express his conservative ideas publicly without any sanctions or disapproval from the state. He has issued controversial statements through the mainstream media – including the UMNO-owned *Utusan Malaysia* – that embarrassed the state. During the Abdullah Badawi government, for example, many of his remarks ran counter to the state's interest. In July 2006, Harussani made the unsubstantiated remark that 100,000 Muslims in Malaysia had become apostates. This remark elicited a response by Muslims and non-Muslims alike (Liow, 2009, p. 51). Even though no evidence was cited, YADIM's patron, Mohd Nakhaie Ahmad, later echoed his views (*MyMetro*, 2008a). Harussani's views on apostasy have shaped public opinion about Christian proselytisation and evangelicalism. The alarmist overtones of Harussani's views increased mistrust between Muslims and non-Muslims. Many Islamic NGOs such as ISMA (Ikatan Muslimin Malaysia or Malaysia Muslim Network) and ABIM had come out publicly to pressure the state to halt all efforts to convert Muslims out of Islam.

The official ulama's conservative stance complicated cases involving religious conversion cases, such as that of Lina Joy, which had been ongoing

since 2001. Lina Joy was not allowed to remove the word "Islam" from her identity card without obtaining a Shariah Court order, even though she had converted to Christianity. In Malaysia, Muslims cannot marry people of other faiths without the non-Muslim converting. The Lina Joy case is about the right of personal choice of faith; yet, the official ulama's depiction of it as Islam versus Christian evangelism, and fanned by Harussani's statement, sensationalised the case into a national controversy. In 2007, the Federal Court – the country's highest court – turned down Lina Joy's appeal to have the word Islam removed from her identity card.

With his length of service, and with protection from the Perak royal family, Harussani has the freedom to express his views without fear of retribution from the state. He admitted that:

> The government mainly pointed out the cases [that requires a religious ruling], and my job is to issue a fatwa. I have never been forced to adopt the position of the government. I have never been influenced by the government. If I say it is permissible and the sultans says it is okay, and then we shall gazette the fatwa. This is law.[23]

There is truth in Harussani's claim. In 2008, he created a public outcry when he declared the "Sure Heboh" carnival organised by TV3 as "haram" (forbidden) in Islam (*Bernama,* 2008). The "Sure Heboh" carnival was organised by the UMNO-linked television station TV 3 featuring top entertainers and artists. Harussani labels this carnival as promoting immoral activities. While the carnival continued notwithstanding Harussani's statement, the organisers reduced the Western cultural content and promoted family values instead.

Harussani boasts that he can request to see the prime ministers at any time without worry of being turned down, and to have been in constant contact with Tun Abdul Razak and Mahathir when they were in power. He claims the same in the case of Najib Abdul Razak.[24] Harussani also admitted that he had held several closed-door meetings with Prime Minister Najib. The meetings with Najib normally concerned Malay issues. UMNO politicians also see the benefits of having close ties with Harussani.

Harussani also admitted that some of his positions contradicted those of the state. Harussani's rulings on Malay culture and traditions at times tainted the state's appeal to moderate Islam. In March 2011, Harussani

23 Interview with Harussani Zakaria, the Mufti of Perak, 7 May 2013.

24 Ibid.

declared the Poco-Poco – a form of line dancing – as un-Islamic, that it is Christian in origins (Roshidi and Lai, 2011). Earlier in 2008, he declared yoga – a form of meditation – as un-Islamic because it associations with Hinduism. In that same year, the JKF-MKI issued a fatwa echoing Harussani's views. While the fatwa declared that the moves and sitting postures in yoga are permissible, it also states that Muslims must be careful not to taint their faith with such practices. So far, the Perak, Federal Territory, Kedah, and Malacca have gazetted the yoga fatwa. Later, Prime Minister Abdullah had to intervene and contradict the JKF-MKI, declaring Muslims can practise yoga as long as it does not contain Hindu "elements" in it (*Reuters*, 2008).

The ulama's support for interfaith dialogue has not been forthcoming, and many Malaysian Muslims are sceptical about them. In 2006, human rights groups Aliran and Article 11 planned to organise an interfaith dialogue in Penang. The dialogue would serve as a platform to clarify controversial race and religious issues in Malaysia. However, the event was cancelled after protest by about 500 Malays. In April 2010, Harussani was adamant that Muslims should not participate in such dialogues. He protested against the state's plan to set up a committee dealing with interreligious issues. He said, "Other faiths should not be seen as occupying the same position as Islam. Any form of dialogue that can corrupt the sanctity of Islam should be avoided" (*Utusan Malaysia*, 2010). Other popular Islamic preachers later made similar remarks. They rejected the call for dialogue by the MCCBCHST (Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism, and Taoism).[25]

In sum, the official ulama's embrace of UMNO's ideology and their unquestioning support for Malay rulers are no longer manifestations of passivity. They undertook these tasks because it is part of the co-optation pact. Nevertheless, the ulama capitalised on their closeness with state officials to shape and direct state policies. Some muftis used their relations with the Malay rulers to prolong their stay in the religious councils and thereby expand their power. The ulama have strengthened their power base in the councils and JKF-MKI to such an extent that they can ignore some of the state's directives. This has been largely the case since the Abdullah Badawi government. The Abdullah administration seemed to give too much leeway to the religious elites, with the hope they would continue to support his *Islam Hadhari* agenda. Yet, the ulama overpowered his administration and Abdullah lost control. The ulama Abdullah placed in positions of power

25 Cited in Norshahril, 2010a, p. 156.

were interpreting *Islam Hadhari* that contradicted the way the leader had hoped. Instead of improving multiracial ties, the religious elites during his administration pushed their conservative and exclusive fatwas.

## Ulama defying authority

A strong measure of successful capture is when official ulama can disregard the state's orders. The Malaysian official ulama have moved from being UMNO loyalists to a group that can defy the party. During the Mahathir era, ulama dared not express their disagreements with the government openly. Ishak Baharom, the former Selangor Mufti, said that Malaysian muftis are generally careful not to offend the state even when they disagree with it. For example, in the 1990s, JKF-MKI members were divided over the status of ASM (National Trust Fund or Amanah Saham Nasional) and ASB (Bumiputera Trust Fund or Amanah Saham Bumiputera), which were state-owned trust schemes. While some muftis viewed these schemes as un-Islamic, they chose not to voice their disagreements publicly in order not to create problems with the state (Ahmad Lutfi, 1997, p. 79). In 2008, JKF-MKI finally relented and issued a fatwa declaring the schemes as *harus* (encouraged). However, only the MAIWP had gazetted the fatwa, which demonstrates that the ulama continue to feel unease with the schemes.

An early open rift between a mufti and Mahathir occurred in 1997, as documented in Ahmad Lutfi's *Mufti lawan Mahathir?* (Mufti versus Mahathir?). The controversy began when the then Selangor mufti, Ishak Baharom, referred to Mahathir as *murtad* (an apostate) in a sermon in Ipoh. Although he denied making the remark, he later argued that some of the statements made by cabinet ministers could lead to apostasy. Ishak retired as mufti later that year, which led to speculation that his feud with Mahathir resulted in his sacking from the post.

Since then, there were instances where the JKF-MKI ulama defied the state's demands, although most of them occurred towards the end of Mahathir's rule. In 2002, the state appealed to the JKF-MKI to issue a fatwa admonishing Nik Aziz for labelling Allah as "*samseng*" (a thug), arrogant and more wicked than any other human being. UMNO leaders accused Nik Aziz of insulting Islam. The JKF-MKI refused to issue a fatwa, but urged all Muslims to respect God (Van Dijk, 2007, pp. 63-64). The body gave the impression that it was not partisan in politics. In another instance, Kelantan Mufti Muhammad Shukri pointed out how the state requested him to issue a fatwa banning political parties from carrying the term *Islam*, clearly

intended to squeeze PAS. Instead, he declared its use is not only permissible but also highly encouraged (*harus*). According to Muhammad, "When we make a decision, it is based on law. It is not based on interest. This perception [about being co-opted] is not based on reality."[26]

In 2001, JAKIM, through the instruction from UMNO, directed the muftis to gazette the *Amanat Hadi Awang* (Hadi Awang's Message) as deviant teaching (JAKIM, 2013a). UMNO's leadership claimed that in 1987, Abdul Hadi Awang, a PAS ulama, categorised UMNO members as infidels. Yet, the JKF-MKI rejected UMNO's request. Interestingly, Abdul Hadi issued the message 15 years previously, before UMNO push for the fatwa to be gazetted. In July 2002, only Malacca's council issued and gazetted the fatwa declaring the *Amanat Hadi Awang* as contrary to Islamic teachings, contradicting the interests of both Muslims and the public, and flouting the principles of dakwah. The fatwa forbids Muslims from selling, distributing, purchasing, or owning the *Amanat* (JAKIM, 2013a). Thus, while UMNO uses fatwas for political gains, religious councils in the country may not necessarily follow the politicians' orders.

### Conversion of minors to Islam

Under the Abdullah Badawi government, the ability of the official ulama to influence policies that contradict the state became more common, and this is partly due to Abdullah's more inclusive approach to politics compared to his predecessor, Mahathir. The controversies surrounding the religious conversion of minors stood out. Article 12 of the Federal Constitution states, "The religion of a person under the age of 18 year shall be decided by his parent or guardian." While the constitution indicates that words in the singular include the plural and vice-versa, there have been conflicting interpretations of what "parent" means legally, particularly whether it applies to one or both parents. This issue was at the core of a 2002 divorce case *Shamala Sathiyaseelan v Dr Jeyaganesh C Mogarajah*. Jeyaganesh and Shamala were Hindus when they were married, but Jeyaganesh converted to Islam and secretly converted their two children to Islam while still married to Shamala. The latter claimed this was illegal without her consent, which also meant that the children would face difficulties converting out of Islam.[27]

26 Interview with Mohamad Shukri, 7 April 2013.

27 The High Court initially awarded Shamala custody of the two children, while the Shariah Court awarded it to Jeyaganesh. The case raises questions on whether the Shariah court order

In 2009, the de facto law minister in the Prime Minister's Department, Nazri Aziz, pointed out that the cabinet is against such unilateral conversion and on the 22 April 2009, the cabinet decided that one parent cannot decide on conversion (*New Straits Times*, 2013a). Several opposition members of parliament, including DAP (Democratic Action Party) Chairman Karpal Singh wanted the law amended and the term *parent* to be made clearer to explicitly state *both parents* (*New Straits Times*, 2013a). However, the 2009 cabinet proposal was not discussed in parliament as expected. Instead, in June 2013, the government introduced a bill for the Federal Territories that supported the idea of one parent to give consent. In the subsequent month, then Deputy Prime Minister Muhyiddin Yassin defended the bill while admitting it contradicted the 2009 cabinet's decision (Syed Jaymal, 2013).

Why did the government not table the 2009 cabinet decision in parliament and then table a contradictory bill in 2013? Nazri cited the Council of Rulers' rejection of the 2009 decision (Sivanandam, 2013). The Council apparently acted on the advice of the JKF-MKI, which held a Muzakarah in June 2009 on the matter, where a fatwa was issued declaring that conversion of a minor by one parent is in accord with Islam and the Federal Constitution's Article 12 (4) (JAKIM, 2013a).[28] At least two muftis, Tamyes Abd Wahid of Selangor and Harussani, publicly supported the 2013 bill (*Malay Mail*, 2013b). This controversy demonstrates how official ulama convinced the Malay rulers to pressure the state to ignore the cabinet's 2009 decision. The government withdrew the bill in face of public opposition but promised to redraft and resubmit it. It remains to be seen which party will get their way in the matter.

After many NGOs raised their concerns about the government's decision to permit unilateral conversion of minors, the government in November 2016 planned to pass a bill ensuring that both parents from a civil marriage must consent to the minor's conversion before it can happen. Also, the child

on custody matters have jurisdiction over Shamala, who is not a Muslim. After a series of legal challenges, in 2004, the High Court ruled that both Shamala and Jeyaganesh have joint custody over the two children. Shamala has care and control of the two children, but is not permitted to teach them her religious values, and they were not allowed to consume pork (*New Straits Times*, 2009). A series of court hearings followed for contempt of court by Shamala. The case was finally referred to the Federal Court, which in November 2010, refused to pass any judgements because Shamala was absent.

28 See Fatwa 2009/87/4 entitled "The Status of a Minor When One of the Parents Converts to Islam" ("Status Agama Anak Bawah Umur Selepas Salah Seorang Pasangan Memeluk Islam"). See JAKIM (2015, p. 222)

will remain in the religion of the parents at the time of marriage until he or she reaches 18 years old.[29] Yet, in August 2017, the government withdrew the bill which would have put an end to the controversial practise of unilateral conversion of children by one parent.

## The "Allah" controversy

The "Allah" controversy, which festered under both the Abdullah Badawi and Najib governments, demonstrates official ulama's ability to rally radical groups to pressure the state. In May 1986, the federal cabinet, following earlier actions by the Terengganu government in 1980, banned non-Muslims from using the term *Allah* in their publications or rituals. Other terms that were also described as exclusive to Muslims include *kaabah* (a cube-like structure in Mecca which indicates the direction Muslims pray to); *solat* (prayers) and *baitullah* (house of Allah). However, the state did not strictly enforce the policy until January 2007, when the Home Affairs Ministry declared *The Herald*, a weekly Catholic publication, must desist from using the term *Allah* to describe God. The ministry threatened it would not renew *The Herald*'s permit if the publication continued using the term (Masilamany, 2007). The Home Ministry's declaration sparked protests and the initiation of legal action by Christian groups who argued the move curtailed religious freedom under the Federal Constitution. In 2008, the JKF-MKI declared the term *Allah* exclusive to Muslims. Harussani then urged the Home Affairs Ministry to stand its ground to external pressures (*Utusan Malaysia*, 2009a).[30]

Between late 2009 and early 2011, several court and state decisions seemed to allow non-Muslims to use the term. In December 2009, the High Court contradicted the Home Affairs' directive and ruled that *The Herald* can use *Allah* to refer to God. This decision sparked a number of Muslim protests, and the official ulama pressed the state not to concede to the Catholic newspaper's demands.[31] In April 2010, a day before the Sarawak state (*negeri*) elections, the prime minister issued a ten-point solution that allowed the *Al-Kitab*, the Malay version of the Christian Bible, to be printed,

29 *Straits Times*, 2016.

30 Even Indonesian artists were not excluded from this ban. Agnes Monica's song "Allah Cares" ("Allah Peduli"), was banned because it contains the verse "Allah My Jesus Understands" ("*sebab Allah Jesusku mengerti*") (*Utusan Malaysia*, 2009b).

31 As a result of this decision, between 8 and 13 January 2010, radical Muslim groups attacked a number of churches in Selangor, Sarawak, Malacca, Johor, and Negeri Sembilan.

distributed, and carry the word *Allah*.[32] In essence, his solution states that Bibles of all languages can be imported into Malaysia. Bibles can also be locally printed and distributed without any restrictions, though those to be exported for Peninsular Malaysia must include the description "Christian publication" and have cross signs stamped on the front covers. The prime minister and ministers also pledged they would conduct regular meetings with Christian representatives to resolve any issues facing the Christian community. In fact, the ten points were not issued as a solution to the "Allah" issue, but to the problem of the confiscation of around 30,000 copies of Malay- and Iban-language Bibles in Sarawak – and some other 5,000 Bibles in Port Klang – for using the term *Allah*. The Catholic Church then argued that since Malay-language Bibles were allowed to contain the word *Allah*, then logically, *The Herald* should also be allowed to use the term (Su-Lyn, 2013).

However, in October 2013, the Malaysian Court of Appeal overturned the 2009 High Court ruling. There were various interpretations to the Court of Appeal's ruling. The Muslim Lawyers Association said the ruling only applied to *The Herald* (Zachariah, 2013). Cabinet Ministers Joseph Kurup and Maximus Ongkili argued that the ban would not affect Christians in Sabah and Sarawak (Gomez and Zachariah, 2013). Nazri Aziz, then the Tourism Minister, said Christians from Sabah and Sarawak could not use the term in the Peninsular while Home Affairs Minister, Ahmad Zahid Hamidi, said *The Herald* could not even use the term in the East Malaysian state (*negeri*) of Sabah and Sarawak (Anbalangan, 2013). In June 2014, the Federal Court, the highest court in Malaysia, upheld the Court of Appeal's ban and rejected the challenge by the Malaysian Roman Catholic Church. Although there were many arguments forwarded by civil activists about the use of the term *Allah* by non-Muslims outside Malaysia, the court claimed that Christian evangelical groups use of the term *Allah* might confuse Muslims.

Prime Minister Najib assured Malaysians that the courts' rulings only apply to *The Herald,* meaning there is no prohibition for the term appearing in Bibles (*Channel NewsAsia*, 2014). Najib announced that he was committed to honouring the 2011 ten-point agreement, which in essence, allowed Bibles in all state (*negeri*) to use the word *Allah*. He also urged the issue not to be politicised further. According to Najib, "When the Appeals Court made its decision on the use of the word Allah, it did not at all touch on the practices

32 The agreement was made between the cabinet and Christians to appease the Christian community in Sarawak and Sabah, in the run-up to the Sarawak state (*negeri*) elections that year.

of Christians in Sabah and Sarawak [...] The 10-point agreement remains" (*BBC*, 2013).

However, Najib insisted that state (*negeri*) laws should take precedence over the cabinet's ten-point solution, which means that non-Muslims use of the term depends on the Malay rulers' assent and state's (*negeri*) religious enactments. Indeed, in November 2013, the Selangor Ruler, Sultan Sharafuddin Idris Shah Al-Haj reminded his citizens to obey the Selangor Non-Islamic Religious Enactment of 1988, which prohibited usage of Islamic words by non-Muslims without the state (*negeri*) government's authority. He reiterated that JKF-MKI had issued a fatwa barring the use of the term *Allah* by non-Muslims, and that the Selangor Fatwa Committee had also gazetted the fatwa. He urged *Al-Kitab* and *The Herald* to respect these religious rulings and the Court of Appeal's decision (*Malay Mail*, 2013a).

More importantly, the official ulama ignored Najib's view on the courts' decision only applies to *The Herald* and his guarantee that Bibles can use the term *Allah*. In January 2014, JAIS officials conducted raids on BSM (Bible Society of Malaysia), confiscating over 300 Bibles. During the raid, JAIS also detained BSM president, Lee Min Choon, and manager, Sinclair Wong. The Selangor government, then under Chief Minister Khalid Ibrahim, urged the Attorney General's Chambers (AGC) to take action against JAIS, which the AGC did by ordering JAIS to return the seized Bibles. JAIS balked and even declared that it would arrest others who distribute Bibles (Akil, 2014). JAIS relented after the Sultan of Selangor ordered the Bibles be returned to the Association of Churches in Sarawak but not to be redistributed in Selangor. The Bibles were to be marked with instructions which prevented their distribution in Selangor. The Sultan's decree clearly showed no regard for Najib's ten-point solution, and urged all parties to respect the Selangor Islamic Enactment 1988 that prohibited Bibles from using the word "Allah." This episode demonstrates how the official ulama could defy decisions by the federal government and the Selangor government by co-operating with the Malay rulers. The "Allah" issue shows official ulama are not passive actors who simply take orders from the incumbent government. This does not only apply to the federal government but state (*negeri*) governments, too.

**Why can the official ulama defy the state?**

Official ulama have shown they can act cohesively as a unit against external challenges. They are also able to forge key alliances with radical civil society groups to support their cause. The unity showed by the muftis, IKIM scholars, Perkasa (Pertubuhan Pribumi Perkasa Malaysia or Malaysian

Glorious Indigenous Association), and ISMA (Ikatan Muslimin Malaysia or Malaysia Muslim Network) in demanding the exclusive use of *Allah* by Muslims allowed them to contradict the cabinet's decision. An IKIM scholar, Md Asham (2008), said that Islam's reference to *Allah* could never be the same how other religious communities use the term. In 2013, Abdullah Zaik, ISMA's president, issued a stern warning to the Malaysian Council of Churches and Penang Chief Minister Lim Guan Eng for requesting the state allow Christians use of the term *Allah*. He reiterated his support for the Home Ministry and JKF-MKI's fatwa in banning the use of the term in all Christian publications (*Portal Islam and Melayu*, 2013b). In the same year, Perkasa expressed its disappointment with Najib's ten-point solution and requested the Council of Rulers to intervene (*Malaysian Insider*, 2014e).[33] Interestingly, in many Muslim countries, non-Muslims are free to use the term *Allah* to refer to God. The opposition gains since 2008 have resulted in the Muslims feeling threatened, especially when the DAP is seen as a secular party. The fear among the religious elites, in which UMNO is on the same page, is that Islam will be treated as secondary and lose its status as the religious of the federation.

Ulama at the federal level also co-operated with the religious machinery at the state (*negeri*) level. The JKF-MKI members do not voice their differences opinions publicly, and they do not welcome dissenting voices within the institution. The former Perlis mufti, Mohd Asri, claims that he was a victim of the collective responsibility and disciplining which took place at the JKF-MKI.[34] Once the JKF-MKI has issued a fatwa, there has never been an instance when muftis publicly issue contradictory statements. The differences in opinions are only manifested whether the JKF-MKI's fatwas are gazetted or not in the various state (*negeri*). Besides, the meetings in the fatwa committees are shrouded in secrecy, both at the federal and the

33 The "Allah" controversy is not the only example that shows Selangor official ulama's defiance of the federal government's wishes. In 1997, JAIS officials arrested and handcuffed three Muslim women for participating in a beauty pageant. The Selangor Mufti then, Ishak Baharom, supported the officials' actions (*New Straits Times*, 1997). In 2005, JAWI officials conducted a raid on the Zouk Night Club. During the raid, Muslims were told to assemble separately from the non-Muslims so that the Muslims could be charged for indecency. One hundred Muslims were detained during the raid and were locked up for more than ten hours. They were told to parade in front of the religious officers so that they could determine whether their attire was appropriate. Prime Minister Abdullah Badawi and Arts Minister Rais Yatim disapproved the raids, calling for a review of the laws concerning such operations (Lau, 2005). Neither the Selangor mufti not the Federal Territory mufti reprimanded the religious officials for their conduct.

34 Interview with Mohd Asri, 21 April 2013.

state (*negeri*) levels. The public only know such fatwas are passed when they are gazetted and enacted in the shariah courts.

Moreover, the official ulama were able to tap into factional tensions within the state. This factor also applies to the MUI case of Indonesia discussed in Chapter 4. MUI's ability to garner the support of Suryadharma Ali, Gamawan Fauzi, and Sudi Silalahi (ministers in Yudhoyono's cabinet) convinced the Indonesian state to restrict the Ahmadiyah teachings. Within the current Malaysian cabinet, there are conservatives sympathetic towards the official ulama cause. They include Minister Jamil Khir of the Prime Minister's Department and Minister of Home Affairs Ahmad Zahid Hamidi. In June 2014, Jamil Khir told parliament that Malaysia is not a secular state, but an Islamic Malay sultanate government (*Straits Times*, 2014). Jamil Khir's statement departs from the tenets of the Malaysian constitution, which upholds secularism (based on the drafters of the constitution, Reid Commission). Meanwhile, Ahmad Zahid Hamidi approved the dissemination of an anti-Christian book, *Pendedahan Agenda Kristian* (Exposing the Christian agenda), published by the Islamic Religious Council of Selangor (MAIS) and the Mara Technological University (UiTM). Ahmad maintained that the book was mainly for research purposes (Ng, 2014). Ahmad's conduct was consistent with the warnings about the dangers of Christian evangelism issued by the official ulama and religious bureaucrats.

Ulama also establish key allies in the judiciary, including the members of the AGC. The AGC has been tasked to oversee the shariah law-making processes. Under Mahathir, more laws, including criminal and family laws, were placed under shariah statutes. "Islamic" crimes include lesbianism, fornication, sodomy, prostitution, eating during the day of Ramadhan, and alcohol consumption. Certain crimes are deemed to be exclusively Islamic, although there is a common penal code for Malaysians (Maznah, 2010, pp. 515-516). Civil society activists lamented the crackdown by the AGC on liberal groups.

## Enhancing authority beyond domains specified by the state

A measure of successful co-optation is the state's ability to constrain the authority of the official ulama as they work in state-sponsored institutions. However, they have been expanding their powers beyond institutional domains the state originally intended for them. Notably, under the administrations of Abdullah and Najib, the muftis have frequently appeared in public, commenting on current affairs. Subjects are wide-ranging, including

politics, economics and culture. The ulama also regularly appear on mainstream television channel RTM 1 or such mainstream newspapers as *Utusan Malaysia* or the *Berita Harian*. RTM hosted a weekly programme featuring the muftis called *Bicara Mufti* (Conversations with muftis). The programme features muftis pontificating on morality, laws, and faith. Besides, IKIM also hosts web television and radio channels that feature the official ulama. Before the 1990s, the muftis were less visible in the public's sphere as they mainly function in the state (*negeri*) religious councils. The traditional mainstream media has given the official ulama additional platforms to enable them to participate in the national discourse in addition to the new media, which has grown in popularity since the 1990s.

As a result, some muftis have become "celebrity" public commentators. Consider Mohd Asri, the Perlis mufti, who is regularly invited to be a panellist in religious forums. In addition, he also served as a panellist on political forums during the 2008 and 2013 general election.[35] He was active as a social commentator even when he was a mufti (2006-2008), but received more public invitations after his resignation. Mohd was a regular contributor to *Utusan Malaysia* (a national newspaper run by UMNO), *Malaysian Insider*, and kept a blog.[36] Given his popularity, there were rumours that the state offered him the position of head of YADIM (Yayasan Dakwah Islamiah Malaysia or Islamic Da'wah Foundation Malaysia) after he resigned as the Perlis mufti. His popularity continued after he stepped down as mufti, and he was asked many times to speak on opposition and state platforms, which he rarely turned down. For example, on 21 April 2013, Mohd Asri spoke at the Ke Arah Malaysia Sejahtera (Towards a prosperous Malaysia) forum, which discussed issues in the run up to the 2013 elections. This forum was largely pro-opposition.[37] In 2015, Mohd Asri was appointed Perlis mufti for the second time.

Other muftis see themselves as having abilities to provide publicly "Islamic" perspectives on current affairs. Notably, Harussani commented on political issues before the Malaysian general election in 2013. In August 2011, he was a panellist for *Forum Ulama Politik – Untuk Dakwah atau Parti?*

35 Born in 1971, he was probably one of the youngest muftis ever to be appointed in Malaysia when he was appointed as the Mufti of Perlis in 2006. In 2008, he refused to renew his contract.

36 Mohd Asri is an expert in hadith, and he obtained a bachelor's degree in Arabic and Shariah (Islamic Law) from Jordan University. He later completed his Masters at the University Sains Malaysia (USM), the university, in which he is currently based, and later completed his PhD at the International Islamic University of Malaysia (IIUM). Some would consider Mohd Asri's views as modernist, other prefer to call him Wahhabi (Norshahril, 2010b).

37 I attended the forum and conducted participant observation.

(Political ulama: Struggling for Islam or party?), organised by *Sinar Harian*. Journalists also solicit muftis' views on political and economic issues. As previously mentioned, journalists approached Kelantan Mufti Muhammad Shukri for comments on the BERSIH rally.

Others comment on current affairs whether they were approached by journalists or not. The Mufti of Sabah, Bungsu@Aziz Jaafar, once made a sensitive remark on *Sinar Harian* that called for more Malay unity through the Malayisation of Sabahans (Nizam, 2013). His comments offended some Sabahans, particularly the indigenous communities who maintained their identities as distinct from Malays. In 2014, the Pahang mufti, Abdul Rahman Osman, urged all Muslims to support the federal government's Goods and Service Tax (GST). The state's introduction of the GST has divided the country and the opposition has questioned the timing of the implementation and the impact on ordinary Malaysians. The scheme has also raised the cost of living for many Malaysians. Yet, the Pahang mufti has openly endorsed the government's decision. Hence, the muftis have stepped beyond the domains of the religious bureaucracies and religious councils to comment on issues unrelated to their original domains.

Beyond commenting on current affairs, the official ulama have also been directly involved in politics. In 2008, Dr Mohd Asri was requested by UMNO to run against Wan Azizah (PKR president and Anwar Ibrahim's wife) for the Permatang Pauh seat in Penang (Zulkifli, 2008). Dr Mohd Asri was still the Perlis mufti when the election was held on 26 August 2008. He did not run in the elections as expected. There was speculation that Mohd Asri's successor, Juanda Jaya, would run as a PKR candidate for GE 13. He later denied this speculation, insisting on his loyalty to UMNO. Then there is Harussani, who has been an active member of Perkasa, a right-wing group that champions *Ketuanan Melayu* (Malay Supremacy) even more stridently than UMNO. Some official ulama in the past have also participated in politics. Ustaz Firdaus Ismail, the Imam of the National Mosque, ran on UMNO's ticket in the 1999 general election against Keadilan (Parti Keadilan Rakyat or People's Justice Party) president Wan Azizah Wan Ismail for the Permatang Pauh seat. While the official ulama have increased their prominence in the public domain, in most instances they supported the state. Yet, there were instances in which they took a different position from the state.

### Securing other influential appointments

Muftis appointed to positions in other influential institutions such as in the non-Islamic banking sector shows their widening authority. For example,

Harussani Zakaria and Nooh Gadut are advisors to the Securities Commission of Malaysia. Its functions include supervising exchanges and central depositories, approving authority for corporate bond issues and regulating takeovers and mergers of companies (Suruhanjaya Sekuriti, 2013). Nooh is also a member of the Advisory Council for KFC Holdings Malaysia BHD.

Ulama also have censorship powers. Illustratively, Harussani is the head of the book censorship committee in JAKIM.[38] The committee recommends to the Home Affairs Ministry books that should be banned. In February 2012, the Home Ministry, on JAKIM's advice, banned 12 books because they "threatened" public order and morality. The books promoted Shiism (*Malaysian Insider*, 2014c). Laureate and academic Faizal Musa (known as Faizal Tehrani) has had six of his books banned by the Ministry of Home Affairs. In 2017, the government banned the book *Breaking the silence: Voices of Moderation – Islam in a Constitutional Democracy*, published by G25, a group made up of activists and intelectuals promoting tolerant form of Islam. It is not known the extent of the role played by official ulama in the book's banning, though the government argued that it could "alarm public order." Similarly, eight other publications were also banned in August 2017. The reasons given for banning some of them were that they could confuse Muslims and contradicted the ASWJ sect.

Harussani is also the chairman of the LPPPQ (Lembaga Pengawalan dan Perlesenan Pencetakan Al-Quran or the Quran Printing Control and Licensing Board), a conservative body that oversees printing of the Quran. In April 2014, the LPPPQ and the Quran Texts Review and Assessment Committee called for the amendment of the existing Printing of Quranic Text Act 1986. The amendment would make it illegal for Quranic verses as amulets to be displayed on premises for business purposes. The home minister and deputy prime minister, Ahmad Zahid Hamidi, promised the tabling of the amendment in parliament (*New Straits Times*, 2014). Ahmad Zahid later invited the LPPPQ to become an advisor to the Ministry of Home Affairs (*Borneo Post*, 2013).

## Other revenue related captures

In Chapter 4, I discussed MUI's attempts to consolidate its authority in the halal-certification and shariah economics sector. It generally has been

38 At the federal level, he was a distinguished member of the JKF-MKI and IKIM (Azman, Sahida, and Aziz, 2008, pp. 60-61).

successful in the latter but less so in the former. These two sectors have been important for the official ulama in Malaysia too because of the income they generate and the lucrative business opportunities they provide. The official ulama and the state have mutually benefitted from the two sectors. Here, the two are not competing with one another, but working together they have propelled Malaysia to become one of the largest halal and Islamic finance hubs in the world. The level of authority the state accords to the official ulama in halal certification and Islamic economics varies. JAKIM oversees the country's halal-certification sector but its involvement in Islamic economics is limited. The federal government has regulated the industry under the authority of the central bank. This does not mean that the official ulama's capture in Islamic economics is non-existent. Arguably, official ulama's capture in halal certification is institutional, whereas in Islamic economics, personal.

**Halal certification and Islamic economics**

Halal-certificates in Malaysia are issued either by JAKIM or by the JAIN or (*negeri* religious departments). JAKIM's certificates apply to international and domestic markets, whereas JAIN's apply to the latter only. Apart from issuing halal certificates for food products, JAKIM also certifies cosmetics. The federal government bans private companies from participating in halal certification, and this point was reiterated in a 2010 newspaper article (*Berita Harian*, 2010). JAKIM's monopoly over halal certification has led it to become one of the largest halal exporters in the world. In 2015, Malaysia halal exports were valued at RM39 billion (US$10 billion) worth of halal products (Choo, 2016). Malaysia plans to be an important supplier of halal food product in the global market as supply can hardly meet increasing demands.

Domestically, some consumer groups have raised concerns about JAKIM's and JAIN's monopoly over halal certification. However, Minister Jamil Khir in the Prime Minister's Department overseeing Islamic affairs denied that JAKIM and JAIN made huge profits out of it (*MyMetro*, 2012).

JAKIM and JAIN employees are active in conducting spot-checks to ensure that halal certification is not abused (*MyMetro*, 2008b). Spot-checks are conducted at least once a month. Businesses or food operators found abusing JAKIM's halal labels can have their certificates suspended (Halal Malaysia, 2011). Its Indonesian counterpart, LPPOM-MUI, does not have JAKIM's capacity, efficiency, and manpower. As discussed in Chapter 4, LPPOM-MUI is even struggling to monitor compliance for the halal

certificates it has issued. LPPOM-MUI's relative weakness in this aspect is part of Suharto's legacy that did not finance the institution to fulfil this role.

The official ulama adopted conservative attitudes towards food consumption habits with the hope to expand JAKIM's halal-certification business. In 2010, JAKIM's director, Datuk Wan Mohamad Sheikh Abdul Aziz, reminded Malaysian Muslims who intended to break their fast (in Ramadhan) in hotels to patronise restaurants carrying JAKIM's halal certificates (*MyMetro*, 2010). Wan Mohamad added that restaurant operators catering for Muslim market should not serve cuisines that Islam forbids. In 2016, JAKIM sparked another storm in relation to halal certification, called the "pretzel dogs" controversy. There were rumours that American food chain Auntie Anne's application for halal certification was rejected because the label on one of its snacks contained the word "dog." The implication was that the use of such a word confused the halal certifiers. JAKIM, however, refuted these allegations, indicating that Auntie Anne was refused the certificates because of incomplete paperwork (Norshahril, 2016). The controversy was fanned by netizens who were overly concern about having halal certificates before they consume food they doubt whether it is in line with Islamic principles.

Compared to the halal-certification sector, the official ulama role in the Islamic banking industry is smaller, although it remains significant and powerful. In Malaysia, the Central Bank and the SC oversee the Islamic banking sector. In 1983, the Islamic Banking Act was enacted, leading to the establishment of the country's first Islamic bank. In 1993, the state established the SC to manage Malaysia's capital market, and the body reports to the Ministry of Finance. The Central Bank also oversees the national Islamic insurance scheme or *Takaful*. In 1985, with the passing of the Takaful Act/1984, Malaysia's first Islamic insurance company was established. Besides, the Central Bank also resolves disputes pertaining to Islamic finance and insurance. In 2010, the Central Bank published the *Shariah Resolutions in Islamic Finance* which compiles all the resolution cases between 1997 and 2009 as a guide for future disputes (Bank Negara Malaysia, n.d.).

Malaysia's shariah banking and finance sector has recorded significant growth since the 1980s. This resulted from the Malaysian federal government's involvement in backing and regulating this sector, which began a decade earlier than the Indonesian government's participation. In 2007, the Takaful sector recorded total assets amounting to US$2.8 billion. By 2010, Islamic banking assets had increased to US$65.6 billion with an annual growth of 18 to 20 per cent (Bank Negara Malaysia, n.d.). The *New Straits*

*Times* reported that in 2016, Malaysia's Islamic banking assets was the third largest in the world after Saudi Arabia and Iran. Islamic banking assets in Malaysia is worth 27 per cent of the total banking system in the country (Farah, 2016).

Since Islamic economics is highly regulated by the Malaysian state, have the official ulama failed in capturing this sector? Mahathir developed this sector since taking power in 1981 and the development of this sector had always been his response to Islamic resurgence, trying to prove his critics in PAS and civil society that his government is committed to Islam. His eagerness in developing this sector also emerged out of his desire to make Malaysian Islamic discourse parallel his capitalistic and industrialisation agenda. Mahathir's policies limited the official ulama involvement.

Although the Islamic finance sector is highly regulated by the state, the official ulama have been able to ride on the state's efforts to carry out state capture at both personal and institutional levels. Key state financial institutions have appointed JAKIM officials and muftis as advisors, and they have significantly contributed to how these institutions should be run based on their Islamic outlook. JAKIM's director, Wan Mohamad, sits in the shariah advisory body of the Bank Negara Malaysia (BIMB Holdings Berhad, 2009). He is also an Executive Committee member of the MIFC (Malaysia Pusat Kewangan Antarabangsa or Malaysia International Islamic Financial Centre), which is a network of Malaysia's financial regulators that includes the Central Bank, Kuala Lumpur Stock Exchange, ministries, and agencies and private enterprises (MIFC, 2014). The Mufti of Pulau Pinang, Hassan Ahmad, is one of the 11 members of the MPS (Majlis Penasihat Shariah or Shariah Advisory Council), for the period of 2013 to 2016. The main task of this council is to provide guidelines and arbitration for financial institutions (*Berita Harian*, 2013). This appointment is carried out by the Central Bank but must be endorsed by the king.

Hassan's appointment in the MPS demonstrates how a mufti, within his personal capacity, can play a powerful role in the shariah banking and finance sector. Established in 1997, the MPS has the power to ascertain whether Islamic banking business, *takaful* (Islamic insurance), and financial business are in line with shariah principles (Lindsey and Steiner, 2012, p. 126). It also oversees and regulates the SSBs (Shariah Supervisory Board), which are tasked to monitor transactions in Islamic banks so they are shariah compliant. The SSB functions like the DPS in Indonesia, except that SSB's rulings are binding on the banking and finance sector. The MPS also advises the SC on matters dealing with shariah. The MPS has the authority

to determine if products listed in the stock exchange are shariah compliant (Md Nurdin, 2009, pp. 138-141). Since 2003, the state accords the MPS exclusive authority in Islamic finance so that any case before the civil courts involving Islamic finance has to be referred to it (Lindsey and Steiner, 2012, p. 126). Thus, regulations issued by MPS members have the powers of gazetted fatwas at the state (*negeri*) level.

JAKIM also plays a role in the shariah economics sector. JAKIM acts as the secretariat for the conference of MPS (JAKIM, 2011a, pp. 17-18). It also publishes a journal on shariah economics entitled *Jurnal Muamalat*. In addition, it facilitates research on shariah economics and provides guidelines to Muslims about the subject. Its research focuses on the following aspects: multi-level marketing (MLM), currency exchange through online, shares trading via online, and online business (JAKIM, 2011a, p. 18). JAKIM also organises seminars, conferences, and training courses for officials involved in shariah economics. Thus, in the shariah economics sector, the Malaysian official ulama have been able to capture the state at personal and institutional levels. On one hand, the state has invited some muftis and senior official ulama to be advisors in shariah financial institutions. On the other hand, JAKIM has played a supportive role in the sector.

**Muftis as senior bureaucrats**

There are other aspects in which being an official ulama is beneficial. The level of income attained by official ulama is generally high and stable; they are paid salaries similar to top-ranking non-ulama in the civil service. This salary excludes payments received for additional teaching or preaching. It also excludes those obtained by being appointed to positions external to the religious bureaucracy. The position of muftis equals that of senior bureaucrats in the civil service. In 2012, Minister Jamil Khir suggested that the muftis have the same payment as a state executive committee member. The muftis' pay would then be equal to that of a minister at the state (*negeri*) level (Hussaini, 2012). There were also attempts to promote the position of the deputy muftis to a higher level in the civil service: from S44 to S48 to S52 to S54. Scales S52 and S54 are equivalent to directorship levels in the civil service.

Former Mufti of Perlis Dr Mohd Asri admitted that the official ulama generally occupy the middle class or upper socio-economic class. The senior official ulama receive many entitlements and they can use those for personal benefit. According to Dr Mohd Asri,

> The government's budget given to the official ulama is huge. From the directors to the ordinary officers in the religious bureaucracy, every year they receive an increment to their salaries. Their cars and office chairs are luxurious. I am not sure if they go on overseas for work or for leisure. With that amount of budget that they receive, they need to solve society's problems [...] I am disappointed that these official ulama who received huge budget[s] from the government cannot become the society's icon. (Mohd Asri, 2010, pp. 336-337)

One rarely hears of any corruption involving the religious establishment in Malaysia. Compare this to Indonesia, where the former head of the Religious Ministry has been recently arrested on corruption charges regarding Haj financing. In 2014, the Malaysian Transparency International conducted a survey on public's perception towards corruption of domestic public institutions. The findings showed that Malaysians perceive religious institutions as the least corrupt, compared to others such as political parties, judiciary, police, and NGOs (Transparency International Malaysia, 2014, p. 18). However, there have been times when the public questioned the transparency of managing zakat and Haj funds. In 2011, Jamil Khir's wealth received media scrutiny after it was found he renovated his luxurious house in Selangor. He denied the allegations, claiming that he used his own money for the renovations (Syed Mu'az, 2011). Still, the public wanted to know how he was able to accumulate so much wealth since he had only been a minister for three years when the media raised the issue. The public claimed that his monthly salary was not more than RM15,000 (US$3,418), and to be able to finance the renovations was impossible. Jamil replied to these allegations that he was a former major general in the army and in receipt of a pension. Jamil was not convicted of any wrongdoing so far.

There have been other isolated cases of mismanagement of funds from the Tabung Haji. In 2001, Tabung Haji lost RM200 million (US$45.6 million) through investments in Metrowangsa Asset Management. Six senior staff from Tabung Haji was questioned by the ACA (Anti-Corruption Agency) to explain the decision to invest in a risky business (Firdaus, 2002). The agency reported no wrongdoing. In 2016, there were calls for Tabung Haji to clarify that it had purchased from the troubled 1MDB, Malaysia's state development fund, for a piece of land at the Tun Razak Exchange. Tabung Haji later clarified that the land was bought at a discounted price of RM188.5 million (US$42.6 million). Some opposition politicians have expressed concern that the institution was involved in a high-risk investment (Lee and Shahrim, 2015).

## Wither moderate Islam in Malaysia?

The Malaysian official ulama have been successful in meeting their capture objectives. They have dominated religious discourse and affected policies. Moreover, there have been instances where they have defied the state, asserted their authority beyond religious domains, and generated additional revenue. Mahathir's policies in the 1980s and 1990s shaped the contemporary ulama's objectives. Their empowerment allowed them to act autonomously from societal pressure. Their success in Islamic economics and halal certification were outcomes of the state's infrastructural and capital investments. Overall, the state upgraded ulama institutions and then accorded them with powers that Indonesia's MUI could not match.

The Malaysian ulama's success is measured by their ability to influence government's policies through their conservative brand of Islam. The behaviour of the official ulama does not help Prime Minister Najib's quest to build an image of a progressive, moderate, and inclusive Islamic country internationally. The views and behaviour of the official ulama do not reflect a progressive image, which contradicts the slogans *Satu Malaysia* (One Malaysia) and *Islam Wasatiyyah* (Moderate Islam). Conversely, their behaviour only cemented UMNO's image as a conservative and chauvinistic party. Developments in 2015 and 2016 show that Najib is bending towards the conservatives in the country. In 2016, he allowed the PAS president, Abdul Hadi Awang, to table a Private Members' bill to increase the punishments for Syariah Courts (Criminal Jurisdiction) Act, or Act 355. PAS proposed the maximum punishments for syariah offences to be raised from three years' imprisonment, a fine of RM5,000 (US$1,129), and six strokes of the cane to 30 years' imprisonment, a RM100,000 (US$22,581) fine, and 100 strokes of the cane. During the UMNO General Assembly 2016, Najib agreed that the government will take up the proposal and present it as a government bill in parliament. This is besides the reports that JAKIM receives RM1 billion from the federal government's 2016 budget, a huge amount which drew flak from the Sultan of Johor, who demanded for a breakdown (Norshahril, 2017, p. 17).

While the Malaysian prime ministers after Mahathir hope to reunite Malaysians – such as Najib's effort in introducing 1 Malaysia – the ulama's discourse, which continues to fan ethnic and religious mistrusts, did not help UMNO leaders' cause. Abdullah's failure to curb UMNO's extreme right-wing groups internal and external to UMNO proved costly for the party in the 2008 elections. During the 2005, 2006, and 2007 UMNO General Assemblies, UMNO youth wing (Pemuda UMNO) made several insensitive and chauvinist remarks that angered the non-Malays. UMNO's youth

chief, Hishammudin Hussein, hoisted the *keris* (a dagger) during those three assemblies, which signified a warning to other communities not to question *Ketuanan Melayu* (Malay Supremacy). UMNO leaders were also ineffective to tackling issues facing minority communities. In the run-up to the 2008 elections, the Abdullah government failed to address the demands by HINDRAF (Hindu Rights Action Force). The movement wants the government to guarantee Hindu rights and cultural heritage after several UMNO state (*negeri*) governments ordered the demolition of Hindu temples. BN's inability to appease the growing resentment amongst the Indian and Hindu community contributed to weakening support for the ruling coalition.

Occasional comments made by the official ulama caused further distrust between Muslims and non-Muslims. Earlier, I mentioned the implication of Harussani's unsubstantiated claim regarding Muslims converting to Christianity. In 2011, Selangor mufti Tamyes Abdul Wahid said that many new Muslim converts reverted to their previous faiths. He posited that they converted to Islam because they wanted to marry Muslims, and once the marriage failed, they left Islam (Fernandez, 2011). The mufti's comments sparked criticisms from HINDRAF's chairman, P. Waythamoorthy, who suggested that the state and religious establishment were trying to persecute non-Muslims by constantly blaming them for Muslims converting from Islam (Fernandez, 2011).

Similarly, Najib's inability to resolve ethnic tensions and curb the official ulama's conservatism contributed to the ruling coalition's even poorer performance in the 2013 election.[39] While there are many factors that contributed to BN's poorer showing in 2013 compared to the 2008 election, including Malaysians' unhappiness with the failing economy, ethnic tensions, elite corruption, and effective opposition campaign, official ulama's conservatism only aggravated tensions between Muslims and non-Muslim further, and this turned voters to the opposition. Beginning in 2010, UMNO began co-opting Salafi ulama into the party, and in 2013, they were given a formal role in the party through the formation of ILMU (Ulama Muda UMNO or UMNO Ulama Youth) (Osman, 2014, p. 219).[40] However, senior-ranking UMNO leaders seem to suggest Salafi element in UMNO

39 Even though it retained federal government and regained the state of Kedah (after losing it to PAS in 2008), BN's popular votes were lower than the PR. Prime Minister Najib – quoted in *Utusan Malaysia* – was quick to attribute the poor performance of the ruling coalition as a "Chinese tsunami" (*Utusan Malaysia*, 2013).

40 ILMU had adopted conservative positions, which included asking Malaysian Airlines to stop serving alcohol on its flights (Fathul Bari, 2014).

is marginal. Wahhabi-Salafism speakers are banned in to speak in Johor, where UMNO is strongest. Moreover, religious rituals which Wahhabi-Salafi scholars frowned upon are openly practised in UMNO.[41]

Also, the prime minister had repeatedly failed to condemn Malay-rights groups such as Perkasa, ISMA, and JATI (Jalur Tiga: Islam, Melayu dan Raja or Three Streams: Islam, Malays, and Royalty), in which the official ulama are involved.[42] Harussani, for example, is an ardent supporter of Perkasa, and received an award from the right-wing organisation (*Utusan Malaysia*, 2012a). Likewise, ISMA has also defended the views of Sabah mufti on the need to "Malayanise" Sabahans (*Portal Islam and Melayu*, 2013a). The coalition of the official ulama with these extreme groups would further marginalise the support of the non-Malays towards UMNO.

## Conclusion

Malaysian official ulama capture of the state is relatively more successful than their Indonesian counterparts. More competitive political environments since the 1997 Asian financial crisis, especially after Mahathir's retirement in 2003, has given the opportunity for the official ulama to shape the country's Islamisation agenda. As a result of co-optation, the official ulama inherited the institutions created or strengthened under the Mahathir government. Since 2008, the official ulama have the flexibility to switch alliances between UMNO and/or Malay rulers. At times, though rarely, they took sides with the opposition. The official ulama have buttressed their authority in monopolising official Islam, to the extent that it does not tolerate any parties from questioning their religious rulings. The authority accorded to them by the state since 1988, which was mainly to win over the Islamic resurgence and counter an increasingly Islamist PAS, is either used to strengthened the state's policies or challenge them. Moreover, the conservative attitude of the official ulama has hindered UMNO's desire to project an international image as a progressive and moderate Islamic country.

41 Interview with Dr Asyraf Wajdi Dusuki, Deputy Minister in the Prime Minister's Office, 3 March 2016. The Johor Mufti also upheld Sufism and anti-Wahhabi-Salafi stance in the state. Interview with Johor Mufti, Mohd Tahrir Samsuddin, 23 October 2016.

42 These are right wing Malay-Muslim groups that promote the ideology of Islam, Malays, and Raja. These groups are, however, largely unconnected. For instance, Perkasa is strongly linked to UMNO, while JATI is formed by Dr Hassan Mohammad Ali, former PAS vice-president.

The Malaysian official ulama have utilised three modalities of capture presented to them. First, they have exercised their authority as recognised in the laws and regulations beyond the means originally intended: as advisors to the Malay rulers and state on religious affairs. Second, the official ulama supported UMNO's and Malay rulers' ideology. This ideological homogeneity secured their positions in the religious institutions and prolonged their stay in the religious bureaucracies. The official ulama then claimed the right to define how this ruling ideology is in line with Islamic principles. Third, the official ulama practise collective responsibility and elite cohesion effectively when responding to external challenges by state, civil society, and PAS. The official ulama institutions are equipped with efficient religious bureaucracies and think tanks – JAKIM and IKIM at the federal level – and the religious departments in the various states (*negeri*). Indirectly, these institutions elevated the prominence of the muftis at the state (*negeri*) levels. This is manifested in the increasing prominence accorded to the JKF-MKI, even though the fatwas issued were legally non-binding. The official ulama have also forged key alliances with radical groups such as ISMA and Perkasa, which supported them in the drive for greater Islamisation in the country.

The muftis have been more visible in the public domain during the Abdullah and Najib administrations than during the Mahathir era. They begin to comment on issues beyond the religious domain, including being critical of government's policies and programmes. The official ulama also sit in important positions both at the federal and state (*negeri*) levels. They are invited to join important bodies that may not be in line with their own training. Some assert great influence in the censorship board and financial sector, as well as being actively involved in NGOs. Nevertheless, the official ulama's success in meeting the aims of capture does not mean their powers are not challenged by the state, PAS, and civil society. In line with the state-in-society approach whereby state and society constantly construct their authority vis-à-vis one another, UMNO continues to ensure that the official ulama authority are kept in check. While the official ulama know that there are lines which they should not cross, they have generally captured the state in ways the state had not intended in its co-optation strategy.

# 6 Conclusion

## The Future of Official Ulama and State Capture

If one were a graduate of an Islamic university, would a career as a Malaysian mufti, JAKIM official, or MUI ulama be a good option? During my interview with the Perak mufti, Harussani Zakaria, he remarked, "People say the state instructs me what to do. I have served for 28 years and never once did the Perak chief minister tell me what to do [...] I don't follow his instructions. Islamic laws are clear!"[1] Likewise, Amirsyah Tambunan, MUI vice-secretary, said, "People think Suharto is so powerful that he can influence everybody. However, MUI has always been independent!"[2] These dilemmas facing official ulama have been the heart of this book.

Existing writings by Islamic studies scholars have been generally sceptical about the power of official ulama to influence states and politicians who are in power. The common perception is that ulama cannot fulfil the tasks Islam has entrusted to them as legatees of the Prophet once they co-operate with the ruling elites. In other words, once ulama serve within state-sponsored institutions, they lose the autonomy to make credible and objective religious judgements. Saeed's account, which opened this study, argues for the decline in authority of the official ulama in the modern world. Non-official ulama interviewed during my fieldwork also felt that participation in state-sponsored institutions compromises ulama's authority.

Nevertheless, the findings of this book suggest that co-operating with the state does not necessarily detract from the official ulama's authority or power. The preceding chapters demonstrate how Indonesian and Malaysian ulama responded to and capitalised on state co-optation. Instead of being passive actors receiving orders from the states that co-opted them, ulama have devised strategies to capture parts of the state based on the objectives they had set for themselves.

Recent scholarship on Middle Eastern ulama which has also questioned the perception that official ulama are passive or biddable. Meir Hatina (2009b), Levy (1983), Marsot (1973) and Al-Atawneh (2009) underscore official ulama's ability to resist state co-optation and determine their own agenda. This book builds on these scholars' observations and, at the same time, applies political science theories such as corporatism and state-in-society to

1 Interview with Harussani Zakaria, 7 May 2013.

2 Interview with Amisyah Tambunan, 8 January 2013.

conceptualise its empirical findings. Among these theories, Migdal's state-in-society approach best explains the study's empirical findings because it focuses on the interplay between state and society leading to their mutual influence upon each other. Thus, the analysis here is not entangled in the ineffectual exercise of classifying states and societies as strong or weak. Instead, it accepts that states and societies are strong in certain aspects and weak in others. The bigger question is, What factors determine these strengths and weaknesses? The concept of co-optation is applied to measure state's ability to ensure that social actors conform to its goals. The book used the concept of capture to appraise social actors' ability to capitalise on co-optation. Capture measures the ulama's ability to influence laws, policies, appointments, and distribution of resources. My application of the concept of capture – adapted from political economy – mainly develops, rather than rejects, Migdal's interest in "practices" of states and societies.

Comparative cases are often difficult to justify even though comparisons are important for theorising. In the case of this book, official ulama institutions in Indonesia and Malaysia are different in terms of structure and centre-branch relations, though I maintain that comparing MUI and MKI (particularly JKF-MKI) is valid and useful for several reasons. First, the departments being compared within the two institutions fulfil the same functions: they make fatwas; generate revenue; and conduct research. Second, authoritarian leaders from both countries established these institutions for similar purposes. The two institutions facilitated their political and economic agendas, and served to harness the accelerated Islamisation that had been underway since the 1970s. Third, the ulama see merits in joining these state institutions: they can get direct access to states' resources and gain authority to shape policies.

Suharto's and Mahathir's Islamic policies have had a significant influence on contemporary ulama, particularly their capture priorities. I distinguish Suharto's co-optation strategies as symbolic institutionalism and Mahathir's as substantive institutionalism. The two leaders' co-optation strategies can be differentiated by the extent to which they empower official ulama institutions; their motivations for control; and their techniques of control. Suharto expected MUI to support Pancasila and the regime, while Mahathir, and his successors, expected the Malaysian ulama to support UMNO's policies. However, Suharto was less interested in giving real power to the official ulama than Mahathir, and he applied repressive tactics to contain dissent. Suharto conceded little to the ulama's demands. In contrast, Mahathir empowered Islamic institutions to attract the ulama to support for his development policies. Mahathir also sought to outflank

PAS on Islamic issues, which had successfully drawn ulama into its fold. In this regard, Suharto's institutionalisation of ulama was more superficial than that undertaken by his Malaysian counterpart.

The different degree of ulama empowerment shapes contemporary capture objectives in two ways. First, the Malaysian ulama are focusing on consolidating their authority while the Indonesian ulama are preoccupied with having their authority recognised. Malaysian laws and regulations have clearly defined the extent of the ulama's power. There are areas in which they have less authority compared to their Indonesian counterparts, such as shariah economics, but there are other areas in which they enjoy a monopoly, such as halal certification, fatwa declaration, and public censorship on Islamic issues. By contrast, the Indonesian state does not grant MUI such authority. In the post-New Order period, MUI is lobbying the state to expand their powers on halal and morality issues, though, to date, with little success.

Second, MUI relies more on societal conservatism to strengthen its authority whereas the Malaysian official ulama can act independently of societal demands. For MUI, the more conservative the society, the higher the demand for services such as shariah banking and finance, halal certification, and shariah tourism. While ormas and civil activists can challenge MUI's fatwas, the Malaysian ulama are empowered by law enabling them to ignore with impunity public opinion. The fatwas they issued, if gazetted, have the force of law. The Malaysian ulama derive their legitimacy from the powers accorded to them by the Malay rulers, who are the constitutionally prescribed protectors of Islam and the Malays, and support from federal and state (*negeri*) governments.

History and social context are critical to understanding contemporary ulama behaviour. The Islamic resurgence movement, which emerged in the 1970s to the 1990s, has had a significant impact on contemporary Islamic ideas in both countries. The rise in Islamisation was directly linked to the push for Islamic order which scholars have described as "shariasation." Today, a more competitive political environment in Indonesia and Malaysia has reignited the ulama's push for an "alternative" Islamic order. This is the reason why MUI and JKF-MKI ulama are making shariah economics, halal certification, and public morality their areas of capture. The official ulama also feel that only under their leadership can an "authentic" Islamic discourse prevail in their respective societies.

By discussing the dynamics of co-optation and capture between states and official ulama, I hope to enrich existing scholarship, both empirically and theoretically. Empirical findings of the book mainly engage writings

by Islamic studies, legal, and area studies scholars who have done research on Indonesian and Malaysian ulama. For theory, the study contributes to the discussion on interest-mediation models in the field of comparative politics. This study attempts to develop Migdal's state-in-society approach by applying the concept of capture. Besides contributing to empirical and theoretical knowledge, the study also hopes to reflect critically on official ulama's struggles to capture their respective states as well as their impact.

The book responds to the perception among many scholars, civil activists, and Muslims that official ulama are the state's lackeys. To their detractors, official ulama are not genuine Islamic scholars, because they are compromised in their work by having to serve the government. Are they right in making this judgement? Arguably, stating that ulama are minions of the state downplays their ability to influence states, the logical conclusion of which would be they are impotent on policy and appointment matters, and unable to Islamise states from within. The book's findings show how Indonesian and Malaysian official ulama have contributed to their respective states' conservative policies. The Yudhoyono government, for instance, relented to pressure from the official ulama on the Ahmadiyah issue. It also passed laws that previous governments were reluctant to pass such as the Shariah Banking Law and the Pornography Law in 2008. The Malaysian state, on the other hand, has been unable to contain the conservative official ulama, particularly on issues such as the use of the term *Allah* by Christians, conversion of minors, and proscription of Shiism.

In this book, I am not only responding to the negative perception of ulama and the conclusions that some scholars have drawn about MUI and JKF-MKI, but I also advance two claims that differ from prevailing scholarship. First, post-New Order MUI is not as influential as existing writings suggest. These works maintain that contemporary MUI fatwas have been responsible for violence against religious minorities, such as Ahmadiyahs, Shias, and liberal Muslims. The present study argues that MUI's positions on these issues have been consistent since its founding in 1975, and the fatwas generally have limited impact on society. MUI issues fatwas mainly in response to ummat pressure or its fatwas are seized on by groups that were already sectarian. Thus, MUI's fatwas were reflecting the attitudes of sections of the ummat rather than shaping them. It is true, however, that conservative groups often seized on MUI fatwa to legitimise their vigilante actions. In the preceding chapters, I have also cited cases where Indonesian Muslims ignored MUI's role. They paid no attention to its halal certificates; disregarded its requests to be consulted on public morality; and took no

notice of its declaration of important dates in the Islamic calendar, such as Eids and the beginning of the fasting month of Ramadhan.

However, MUI's ability to gain support from several cabinet ministers has contributed to its success in capturing parts of the state. For example, the religious minister and several other members of the Yudhoyono cabinet supported MUI's demands to restrict Ahmadiyah's role. The passing of the Islamic Banking Law in 2008 represented another success for MUI as the state finally recognised its role in shariah finance. The organisation is also capable of riding through political tensions for their own benefit. For instance, conservative groups use MUI fatwas to help mobilise thousands of protesters in Jakarta to protest against the incumbent Jakarta governor, Basuki Tjahaja Purnama, also known as Ahok, on grounds that the governor insulted Islam. In one of the speeches he made in 2017 during his run for re-election, he declared that Indonesians should not be deceived by people using the Quranic verse 51 Surah *Al-Ma'ida* to not elect non-Muslims as their leaders. Ahok is a Christian and Chinese. Between November and December 2016, MUI, alongside the FPI, rallied thousands of Muslims in Jakarta, calling for the governor to step down and be arrested for his insensitive remarks. Ahok subsequently lost the election and was sentenced to two yearsin prison for blasphemy.

Yet, MUI has failed to replicate this success to mobilise its supporters against Ahok in monopolising halal certification, obtaining a role in morality censorship bodies, and determining what constitutes mainstream and orthodox Islam. Ideological differences among MUI members, and ineffective use of Pancasila, have also hindered the institution's progress in making its views heard by the state. Conservative voices within MUI had to compete with progressives in the institution, including the liberal-minded scholars in its Advisory Board.

The second main conclusion in this book is that Malaysian official ulama are more powerful than what scholars believe. The preceding chapters trace the historical factors that led to the contemporary ulama's strength. Since the 1980s, the Malaysian ulama have benefitted from Mahathir's Islamisation drive, which were aimed at containing the influence of PAS and Islamic NGOs. They were loyal supporters of UMNO during the Mahathir era. Yet, the study also demonstrates how they have extended their authority beyond what the state originally envisaged. Under the Abdullah and Najib governments, official ulama have the option to support UMNO, Malay rulers, or even the opposition as and when circumstances benefit them. Their support for UMNO and the Malay rulers is conditional: they want to preserve the existing social order which defines the institutions

they occupy. Furthermore, UMNO has become weaker under Najib and his government is more dependent on ulama support.

The success of the Malaysian official ulama in capturing the state is demonstrated in several aspects. The state and other key political, administrative, and economic institutions have appointed official ulama to strategic decision-making positions, such as advisory positions in banks, religious councils, and universities, including in positions not related to their religious training. The state gives generous funding to institutions dominated by official ulama. In addition, the ulama have reliable and plentiful revenue by virtue of their role in halal certification and shariah finance that gives them a measure of autonomy. The success of Malaysian official ulama is most evident in their ability to determine who can speak on religious matters. They restricted the right to speak on Islam of those seen as promoting liberalism and secularism. Some official ulama, such as Harussani Zakaria and Nooh Gadut, have been able to prolong their membership on religious councils, thereby establishing and entrenching personal power bases, at the expense of the many young and equally capable religious scholars who are denied influential positions. This allows senior ulama to dictate the way institutions are run and, in some cases, disregard the wishes of UMNO politicians and ministers. The Malaysian culture of respect for seniority also means that the longer ulama stay in the institutions, the more difficult it is for junior ulama to question them. Furthermore, the high level of unity within the JKF-MKI and the effective use of the state's ideology, Rukunegara (especially on "belief in God" and "loyalty to the king") and *Ketuanan Melayu* (Malay Supremacy), explain their relative success in capturing the state.

Arguably, the ulama's successful capture contributed to the state's conservative "turn" in ways that Mahathir and Abdullah Badawi did not anticipate. For instance, ulama used state's platforms such as the JKF-MKI, JAKIM, and IKIM to promote Islamist ideas that Mahathir tried to contain in the 1980s. Since Mahathir's retirement, ulama in state institutions have been championing an Islamic state and greater shariaisation of society. UMNO, which has been politically weakened, also needed support from the ulama, and hence supported the Syariah Courts (Criminal Jurisdiction) Act, or Act 355.

Despite the success of Malaysian official ulama in capturing parts of the state, UMNO will remain critical to the management of religious affairs. While it is true that the Malaysian official ulama have outgrown their original status as religious advisors to the Malay rulers and UMNO loyalists to become an "exclusive" group, this is not to say that UMNO has lost the

ability to shape policies pertaining to Islam. While UMNO is weaker under Najib Abdul Razak than it was under Mahathir Mohamad and Abdullah Badawi, the party continues to dictate Islamic affairs. The findings of this book only suggest that UMNO does not have the dominance over Islamic affairs it once enjoyed.

## Contributions to comparative politics approaches

Besides making empirical contributions, the book also engages with comparative politics approaches. Existing works have applied the corporatist theory to describe state-society relations during Suharto's and Mahathir's rule. While there are studies that apply Migdal's state-in-society approach for Indonesia after the Suharto era, scholars on Malaysian politics have largely ignored the approach. This book hopes to add new perspectives to the debate by applying the state-in-society approach to both Indonesia and Malaysia. Migdal has founded a scholarly tradition that paints a complex picture of state and society relations. He argues that states are not as omnipotent as political scientists believe. According to Migdal, "rule making, especially in complex institutions, is itself a complicated undertaking, involving numerous parties, coming from different standpoints at the question of what the rule should be" (2013, p. viii).

My only criticism of Migdal relates to how he and his followers have applied the theory to the cases they examine. Migdal's works concentrate on proving the limitations of the state rather than those of society. Applying Migdal's approach, contributors in his edited volume *The Everyday Life of the State* are also guilty of this oversight. In his most recent works, Migdal describes the difficulties facing the Israeli state in handling the Palestinians. The Israeli foot soldiers, when faced with exigencies and threats from Palestinian villagers, often deviated from the state's orders (Migdal, 2013, p. xi). Describing the soldiers' struggle, Migdal (2013) posits, "The army's chain of command frayed quickly as lower-level officers and recruits had to deal with real-life problems and entreaties in local communities, while trying to remain reasonably faithful to the orders they received from on high" (p. x).

This book adopts Migdal's approach, but shifts the focus to societal actors as units of analysis as it is important to examine the struggles and successes of societal actors in influencing states. Different units within society have different objectives towards states, and they apply various strategies to accomplish these objectives. Similarly, states wanted to achieve various

goals using societal groups, and apply different strategies for this purpose. Therefore, any attempts to measure success or failure in co-optation and capture should establish what state and societal actors want to achieve and are subsequently able to achieve.

Moreover, the book does not analyse the behaviour of actors that live on the peripheries of the country to demonstrate the state's limitations. Unlike many other studies that apply Migdal's approach, this study is not focusing on actors' "everyday lives." Instead, it highlights that states' limitations can be demonstrated within the very structures they strive to control. Hence, scholars need not go to villages or local towns to look at how central governments struggle to co-opt social actors. By applying the concept of capture, I concentrate on the "practices" of social actors while not losing sight of the state's authority. Through the application of this concept, it is possible to analyse the tools that social actors use to influence states, such as laws, policies, and state institutions. One can also examine how religious ideas serve as tools for authority construction and consolidation.

## Critical reflections on official ulama's struggle

This book has demonstrated how the ulama today are making similar demands to those Muslim resurgence groups made between the 1970s and the 1990s. The resurgence groups were advocating an alternative to the modern, secular system. Although Suharto and Mahathir acceded to some of these demands, they had the power to reject those that do not meet the states' agenda. However, the ulama today continue many aspects of this resurgence agenda, albeit under different political conditions. The 1997 Asian financial crisis has led to greater plurality in both countries – more so in Indonesia than Malaysia. The widening of democratic contest in the two countries has allowed the ulama to press their demands with less resistance from national leaders. Furthermore, both countries witnessed the rise of a strong, pious Muslim middle class that supports greater shariaisation. This trend is evident in Muslims' less tolerant attitudes towards the multi-racial and multi-religious societies in which they live. Muslims are indeed less accepting of heterodoxy within their own faith community and are more likely to seek action against perceived "deviancy" from orthodox Islamic doctrine.

The discussion on Islamic resurgence is also significant in responding to the question of intent: did the ulama enter religious institutions mainly for personal gain or for religious purposes? I acknowledge the limitations of

determining intent, but from the study's empirical data, both elements are present. The alleged abuses carried out by MUI ulama on halal certification and Islamic banking suggest they are mainly interested in making personal gains. MUI ulama also showed their pragmatism when they adopted a progressive religious opinion related to banking loans for the Haj ritual because that would lead to more demand for their services. Incidences of corruption by the Malaysian ulama were less common, though some muftis sat in important boards in the civil service and financial institutions. These boards have a reputation for providing opportunities to members to self-enrich themselves. They are important sources of key networks to businesses. They also sat on censorship and leadership committees. These examples show that there might be political and economic motivations for being official ulama.

The similarity of the ulama's discourse and that of the Muslim resurgence in the 1970s also indicates that many of the ulama genuinely believe that their struggle is in line with shariah principles. One reason for this similarity is because the generation of ulama that participated in the resurgence movement four decades ago is now heading religious institutions of their respective countries: for Malaysia, as muftis, JAKIM directors, IKIM academics, and shariah court judges; and for Indonesia, MUI members, civil servants in the Religious Ministry, and university lecturers. For the case of Malaysia, they could be formerly ABIM or Darul Arqam activists; and for the case of Indonesia, they could be former ICMI or members of the Tarbiyah movement.

The Islamic discourse since the 1970s conditioned the ulama's responses to contemporary problems. According to Mannheim (1936, p. 3), an individual's thinking is shaped by the surrounding environment in which he grows up, and he simply adopts the ready-made solutions available to him. Growing up during the Islamic resurgence period, the ulama are exposed to the dominant view that Islam is Ad-Deen or a way of life. They interpret this Quranic verse to mean Islam has the solution to every problems societies face, including the lack of development. The belief in an alternative Islamic order – through Islamic banking, Islamic insurance, halal certification, Islamic entertainment, Islamic tourism – is borne out of their desire to counter the Western way of life. Thus, their discourse is part of the shariaisation drive to bring Indonesia and Malaysia closer to what they see as the Islamic ideal.

The official ulama-led shariaisation has contrasting effects in Indonesia and Malaysia. MUI's shariah implementation drive in Indonesia is more contained compared to a similar process undertaken by the Malaysian ulama.

While MUI has made inroads in pushing their conservative agenda, the state, civil society, and progressive intellectuals have been able to restrict its influence in society. Suharto played a large part in keeping MUI's powers in check. His decision not to grant significant power to MUI has hamstrung the Council even after the fall of the regime in 1998. During the New Order, Suharto developed strong Islamic intellectualism that could neutralise Islamic conservatism. He sent young students to study in Western universities who later returned and promoted progressive ideas in society. He hoped that these reform-minded Muslim intellectuals would abandon the old agendas of Islamic state and shariah clauses in the constitution. In the 1980s and 1990s, these intellectuals played a significant role in countering MUI and radical groups' endeavours to create an alternative Islamic order. This trend is like to continue in the twenty-first century, where extremism and radicalism will be kept in check (Azyumardi, 2005, p. 19).

The Yudhoyono government rejected MUI's demands for exclusive rights to determine public morality, issue halal certificates, and only partly acted on its plan to define mainstream Islam. However, it lacks the gumption of Suharto's New Order regime. It was unable to contain MUI's role in promoting sectarian violence towards the Ahmadis as well as other religious minority groups. Yudhoyono also allowed MUI to oversee shariah banking and finance, which led to many MUI ulama becoming extremely wealthy through their work as advisors of Islamic banks. It is likely that MUI leaders will continue to pressure the state to meet their demands by taking advantage of societal conservatism. The more conservative the society becomes, the higher the demand for MUI's shariah certificates for banks, restaurants, hotels, and clothing.

In the case of the Malaysian official ulama, they have clearly entrenched themselves as a class within the Malaysian bureaucracy. Because of that, being official ulama has been advantageous for them as a sectional interest group. The benefits come from the fact that there is a coherent set of policies regarding economic and financial activities, as well as the right to determine public morality. Laws relating to Islamic practice and faith were also in place. The official ulama sit on important decision-making bodies such as book and entertainment censorship boards, as well as other financial, academic, and political institutions. In short, Mahathir's substantive institutionalism has created a coordinated and effective religious bureaucracy in Malaysia which then allows ulama to tap on the state's resources for their political and financial gain.

However, there is a cost to this. Mahathir's policies are responsible for developing a powerful and conservative ulama class that civil society groups

and Muslim intellectuals struggle to challenge. Substantive institutionalism worked well with a strong leader at the helm of the country. During his administration, Mahathir was active in challenging conservative groups in the country. With his retirement, however, the official ulama no longer have redoubtable leaders blocking their conservative agenda. There has been a concerted effort on the part of the Malaysian ulama to monopolise the right to voice religious opinions.

Recently, the Malaysian ulama have sought to ridicule civil society groups promoting religious pluralism and progressivism – such as SIS (Sisters in Islam) and IRF (Islamic Renaissance Front) – whenever they make statements on Islamic matters. In July 2014, MAIS gazetted SIS as "deviant" because the women's rights group promotes liberalism. The fatwa states that all publications associated with liberalism are unlawful and can be confiscated. The ulama have also dominated the religious discourse in which progressive Malaysian intellectuals, such as Chandra Muzaffar, Farouk Musa, Hashim Kamali, and Norani Othman, have been marginalised. While the Malaysian official ulama could use fatwas to prevent progressive intellectuals from speaking and writing on Islamic issues, they have not used their authority to prevent harassment of religious minorities. Conversely, they went as far as seeking to manage the private lives of Malaysian Muslims by authorising state (*negeri*) religious officials to conduct raids in hotels, parks, and entertainment outlets to filter out immoral behaviour and "deviancy."

It is important to note that the rise in Islamic conservatism in Malaysia has caused some discomfort among citizens. There has been resistance to the ulama and their control of Islamic affairs. On 8 December 2014, 25 prominent Malays – including former Malaysian Ambassador to the Netherlands, Noor Farida Arrifin – wrote an open letter calling for a dialogue on the role of Islam in a democratic country (*Malaysian Insider*, 2014a). The letter asserts that Malaysia is a secular country and calls for moderation of the role of Islamic law. It expresses concern that the official ulama are issuing fatwas that disregarded the Federal Constitution. This is the most influential challenge to the conservatives so far.

Yet, three Malaysians – two of them Muslim lawyers – penned an open counter-letter stating the way Islamic laws has been applied in the country is moderate (*Malaysian Insider*, 2014f). The three writers claimed that "moderation" practised in Malaysia is based on Quranic values and in line with JAKIM's position. Hence, it remains doubtful if the progressives, even as they continue to speak up against the conservatives, will succeed in moderating the ulama's stance. The government's decision in July 2017 to ban G25 book *Breaking the Silence: Voices of Moderation in Islam – Islam in a*

*Constitutional Democracy* is yet another example of attempts to marginalise alternative viewpoints to those promoted by the official ulama. The ulama will continue seeking to consolidate their authority by riding on societal conservatism and forging alliances with radical and supremacist NGOs. They will continue portraying themselves as the "gatekeepers" of Islamic faith, *Ketuanan Melayu* (Malay Supremacy), and monarchy.

Even as the political competition opens up in Indonesia and Malaysia, particularly after the Asian financial crisis in 1997, the Islamic policies Suharto and Mahathir pursued throughout their rule will continue either to affect ulama's strive for greater authority for many years to come. Still, relying on state institutions is not the only strategy available to official ulama to consolidate their authority. As this book has demonstrated, Muslim conservatism has greatly aided Indonesian and Malaysian official ulama in capturing the state. The rise of conservatism in Indonesia and Malaysia would only facilitate the ulama's mission for greater capture of power.

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In response to the Islamic resurgence of the 1970s and beyond, the Suharto (1966-1998) and Mahathir (1981-2003) governments undertook massive Islamisation programmes in Indonesia and Malaysia respectively. This included co-opting influential religious scholars into state-sponsored institutions. In 1975, Suharto formed the Majelis Ulama Indonesia (MUI); while in the 1980s, Mahathir upgraded the Malaysian National Fatwa Council (JKFMKI), JAKIM (Department of Islamic Development Malaysia) and IKIM (Malaysian Institute for Islamic Understanding). The 'official' ulamas – the religious scholars who participated in these institutions – were expected to support the states' ideologies in exchange for reward and recognition. *The State, Ulama and Islam in Malaysia and Indonesia* examines the extent to which official ulamas in contemporary Indonesia and Malaysia capitalised on their co-optation to 'capture' the states. By capture, a concept popularized in political economy, the author refers to societal actors' ability to influence laws, policies, and the distribution of resources in their favour. The book examines how policies undertaken by Suharto (1966-1998) and Mahathir (1981-2003) determine capture successes and failures of official ulama in their respective countries.

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